

No. 29358-7-II

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IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

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IN RE AMENDED PERSONAL RESTRAINT OF ARMONDO T.  
SHELBY,

ARMONDO T. SHELBY, Petitioner

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**PETITIONER'S REPLY BRIEF IN SUPPORT OF  
AMENDED PERSONAL RESTRAINT PETITION**

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## **I. INTRODUCTION**

Petitioner Armondo Shelby submits the following evidence, argument and authorities to address points raised in the state's Response to Personal Restraint Petition. In all other respects, Petitioner relies upon the arguments in his Amended Personal Restraint Petition ("PRP").

Mr. Shelby's petition should be granted for two reasons. First, his restraint is unlawful because his conviction was obtained and imposed in violation of the Washington and United States constitutions. RAP 16.4(c)(2). The constitutional violations present in Mr. Shelby's case caused actual and substantial prejudice to his defense. See In re Cook, 114 Wn.2d 802, 812, 792 P.2d 506 (1990). Second, material facts exist that have not been previously presented and heard which require vacation of Mr. Shelby's conviction in the interests of justice. RAP 16.4(c)(3).

The state argues that Mr. Shelby should be denied relief in this case in part because he has failed to support his arguments of ineffective assistance of counsel and juror bias. In fact, Petitioner made numerous attempts to the best of his ability while incarcerated to obtain the information necessary to support his claim. Counsel has been able to obtain additional information in support of Mr. Shelby's petition which is set forth below in response to the state's contention that there is no merit

to the issues raised.

## **II. ARGUMENT AND AUTHORITY**

### **A. MR. SHELBY WAS DENIED HIS SIXTH AMENDMENT RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL INCLUDING THE RIGHT TO CONFLICT-FREE COUNSEL WHO IS NOT BURDENED BY REPRESENTING OTHER PARTIES WITH ADVERSE INTERESTS.**

#### **1. Introduction and Supporting Facts.**

##### **a) Conflicted Representation**

Armondo Shelby was represented in the trial court by Raymond Thoenig and Jane Pierson from the Department of Assigned Counsel (“DAC”). Mr. Shelby faced charges of aggravated murder, burglary and unlawful possession of a firearm. When the undersigned counsel received Mr. Shelby’s files from DAC and began investigating this case, we discovered that DAC had represented Mr. Shelby simultaneously with other witnesses and potential witnesses to his case; that DAC had previously represented witnesses against Mr. Shelby; and that DAC’s self-interest in maintaining a policy permitting this type of representation compromised its representation of Mr. Shelby. These actual conflicts of interest adversely affected Mr. Shelby’s defense preventing him from receiving a fair trial.

Prior to his trial, Mr. Shelby, his pastor and his family repeatedly

complained about the adequacy of his representation and sought to have new counsel appointed on the case. PTTR 09/13/1998 13-14, 17; PTTR 04/26/1999 4; PTTR 05/05/1999 76-77; APP 1-4 and APP 7-11.<sup>10</sup> Mr. Shelby's lack of confidence in his counsel was ongoing. *Id.* On April 21, 1999, Mr. Shelby's mother filed a bar complaint against Jane Pierson. APP 1, 8-9. Ms. Pierson was removed from the case due the breakdown in communication with Mr. Shelby. PTTR 04/26/1999 17-18.

Mr. Thoenig expressed to the court his concerns with remaining on the case because the bar complaint and allegations against Ms. Pierson questioned activities for which he was ultimately responsible. PTTR 05/05/1999 74-75. These issues were not addressed in an *ex parte in camera* hearing, but were discussed in open court with the prosecutors participating. *Id.* At the time, neither Mr. Shelby nor the trial court was advised of conflicts of interest involving representation of witnesses and DAC's self interest that did exist. Nevertheless, Mr. Shelby expressed his concern that counsel was not adequately representing him. PTTR 5/5/1999 77. Mr. Thoenig agreed to research and get back to the court about the conflict issues and how his continued representation of Mr.

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<sup>10</sup> Citations to the record are as follows: Pretrial transcripts are designated PTTR; trial transcripts are designated TR; voir dire transcripts are designated VDTR (the voir dire transcript has been filed separately under seal); appendices are designated APP.

Shelby might implicate the Rules of Professional Conduct. PTTR 5/5/1999 78-80. The matter was not raised again on the record. On direct appeal, the Court held that there was insufficient evidence of an actual conflict. In fact there is now substantial evidence of the conflicts that existed, many of which were not disclosed to the trial court.

While representing Mr. Shelby, lawyers from DAC simultaneously represented key prosecution eye-witness, Jeremy Cleveland. In February 1998, Ms. Pierson sent a memo to Mr. Thoenig about conflicts, noting that Cleveland had Pierce County charges but they had been dropped. APP 31-34. However, in September 1998, Mr. Cleveland was charged with assault in Pierce County and was represented by Paul O'Brien at DAC until December 1998 when DAC counsel was replaced. APP 70-75. Cleveland pled guilty in January 1999 and remained on probationary status for two years. APP 70-74. Pierson's memo also included a criminal history listing Mr. Cleveland's prior theft and felony drug convictions. APP 31-34. At trial, Mr. Thoenig failed to impeach Mr. Cleveland with his prior convictions, and he made no effort to show Cleveland's potential bias given his probationary status. TR 438-442.

The DAC investigator spoke with Mr. Cleveland before trial, and Cleveland admitted that there was a struggle between Shelby and Butler.

Cleveland also acknowledged that he wouldn't be surprised if Butler had possessed a gun because Butler had a "gangster type attitude". Cleveland told the investigator that Butler was aware that Jennifer Bohlen had been seeing Armondo Shelby, that Butler was jealous and said that "he would take care of business if he had to." APP 35-37. Mr. Thoenig failed to utilize any of these facts to impeach or undermine Cleveland's otherwise damaging testimony. TR 438-442. Thoenig did not impeach Cleveland when he testified at trial to additional statements Shelby allegedly said after shooting Butler, claiming that Shelby also said "do you want some more." TR 434, 435. Cleveland had not told the police or defense investigator about this additional comment in his pretrial interviews. APP 35-52. He testified that he heard this statement as he was passing Kevin Cubean when he took off out of the apartment. TR 434. However, there was no evidence that either Kevin Cubean or Jennifer Bohlen (who was in the same room) had heard this comment. Mr. Thoenig did not point out this discrepancy at trial and even repeated the phrase in his closing argument. TR 1048. This statement was then repeated multiple times in the prosecutor's closing as she argued that Mr. Shelby shot Butler intentionally and not in self-defense. TR 1015; TR 1033; TR 1055.

DAC also represented two potential defense witnesses at the same

time they handled Mr. Shelby's case, Danion Singleton and Tony Howard.

Mr. Shelby asked his counsel to call both witnesses to support his self-defense case; despite being interviewed by the DAC investigator, neither was called to testify. APP 1, 21-22, 76-79, 92.

Danion Singleton would have testified that Mr. Butler was a gang member and that he had seen Butler threatening people with a gun the month before this shooting. APP 76-78. Mr. Shelby's prior counsel, Jane Pierson, represented Singleton beginning in August 1998 on assault and kidnapping charges. APP 83-87. Ms. Pierson tried Mr. Singleton's case in October 1998 while she represented Mr. Shelby. Singleton was convicted on some of the charges, and additional charges were set for a later trial. Singleton then pled guilty to an assault count in February 1999. APP 85. Ms. Pierson continued to represent Singleton while he was on probation, and there were ongoing issues in his case, including sentence modifications took place after Mr. Shelby's trial. APP 85-87, 89-91.

Ms. Pierson originally included Mr. Singleton on the defense witness list. APP 79. When the prosecution requested to interview him, Ms. Pierson responded that she did not plan to call Singleton except possibly as a rebuttal witness. APP 21-22, 80-82. It is only logical that if exercising independent judgment on behalf of Mr. Singleton, his counsel

would have advised him against testifying for Mr. Shelby. Not only could it have impacted how the state handled any further proceedings in Singleton's case, but he would have faced the difficult situation of admitting to what may have been the unlawful carrying and use of a firearm during the incident where he observed Butler with a firearm.

Tony Howard was another potential defense witness who had overheard Jennifer Bohlen admit that Mr. Shelby shot Butler in self-defense. APP 22, 92. At the same time DAC represented Mr. Shelby, John Chin of DAC represented Mr. Howard in a drive-by shooting case. *Id.* Howard pled guilty in March 1999, but there were ongoing hearings in his case through June 1999. APP 92, 95-98. Mr. Howard also would have derived no benefit from testifying for Mr. Shelby and faced the same risks as Mr. Singleton that further proceedings in his case could be compromised.

In addition to simultaneously representing these three individuals and Mr. Shelby, DAC previously represented the key prosecution witness in the case, Jennifer Bohlen. DAC represented Ms. Bohlen on a theft charge in 1997. APP 99. Jane Pierson notified Ray Thoenig that this conflict existed in February 1998, yet no waivers were obtained and Mr. Shelby was not advised. APP 22, 31-34, 99-104. At that time, Ms.

Bohlen had bench warrants for two cases in Pierce County. Ms. Pierson notified DAC not to represent Ms. Bohlen on these matters, but there is no evidence she followed up on this. APP 34. Ms. Bohlen pled guilty to these charges in June 1998 and would have been on probation during Mr. Shelby's trial. APP 99-104. Defense counsel did not raise Ms. Bohlen's probationary status for impeachment or to show bias. TR 888-905.

Similarly, DAC attorney John Chin previously represented state witness Daniel Griffith on malicious mischief and first degree possession of stolen property charges. APP 23, 106-109. Mr. Thoenig did not impeach Mr. Griffith with his felony conviction. TR 505-506.

In his declaration, Professor John Strait explains that DAC has a policy that authorizes counsel to continue representing a defendant even when former clients will be adverse witnesses in the case. APP 151-154. This policy represents an effort to limit the number of cases that must be conflicted out and transferred to outside counsel at an additional cost. Minimizing such costs serves the interest of DAC in maintaining its contract for public defender services. *Id.*

There is no record of any conflict waivers in Mr. Shelby's file from DAC. Mr. Shelby was never advised of his counsel's divided loyalties; he learned of them only after the recent investigation was completed. APP 1-



4, 17-26. Had Mr. Shelby been advised of his counsel's conflicts of interest, he would not have waived the conflict and would have requested new counsel. APP 2.

**b) Evidence of Deficient Performance**

In addition to the conflicted representation, counsel's performance in preparation and at trial was deficient. In its response to Mr. Shelby's PRP, the state summarily dismisses his claims that defense counsel was deficient. However, there is ample support in the record for Mr. Shelby's claims of ineffectiveness. Despite being an experienced criminal defense attorney, the record reflects that Mr. Thoenig was ill-prepared to proceed in this case. Mr. Thoenig had just completed a high profile four-month aggravated murder trial; he was lead counsel for Sap Kray who was convicted of killing a police officer. APP 130-137. Mr. Thoenig told the trial court that he had not been actively involved in Mr. Shelby's case during that time. TR 323-324. At other times he noted on the record that he was not prepared to proceed. TR 398. Mr. Thoenig was continuing to handle post-trial hearings in Kray's case in the midst of Mr. Shelby's trial. APP 130-137; VDTR 5/11/99 60.

When Ms. Pierson was removed from Mr. Shelby's case, Mr. Thoenig proceeded to handle the case alone. TR 17, 323-34. A review of

DAC's files suggests that the defense investigator had interviewed only three of the prosecution witnesses called to testify: Bohlen, Cleveland and Cuban. APP 17-18. Ms. Pierson only participated in the interview of Ms. Bohlen. APP 18. There is no evidence that Mr. Thoenig ever interviewed any witnesses. APP 18. The prosecutors had originally offered to schedule interviews with state witnesses in August 1998, suggesting they get started before the Kray trial began. APP 27. A few months later, the prosecutor suggests delaying the interviews as she appears to have been told that Mr. Thoenig and Ms. Pierson may not continue representing Mr. Shelby. APP 28. By December 1998, the state tells the court that despite repeated offers, the defense has asked the state only to arrange an interview with Ms. Bohlen. APP 29-30.

During the jury voir dire, Mr. Thoenig used only a fraction of the time allotted to him to question jurors, allowing the prosecutor to use the remaining time and dominate the voir dire process. VDTR 5/11/99 69-87, 107, 122, 142-43. One of the seated jurors, Jean Brateng, stated on her questionnaire that her brother was a jail guard at the Tacoma jail. APP 24. Mr. Thoenig briefly questioned her about this, and she told him she did not live with her brother and she didn't think it would affect her fairness. VDTR 5/11/99 83. Mr. Thoenig made no further inquiry. *Id.*

Mr. Shelby's case had been publicized in the local media. APP 138-139. Despite this, Mr. Thoenig did not inquire about jurors' possible media exposure to the case. A highly prejudicial campaign flyer specifically naming Armondo Shelby had been mailed to Pierce County Voters by judicial candidate Paul Brachvogel. The flyer claimed that Shelby was a gang member, that he had been charged with over 60 crimes, and that he was facing the death penalty for aggravated murder committed while on probation. APP 125, 140-141. Defense counsel asked no voir dire questions designed to determine if potential jurors received political mailings or had seen any flyers involving judicial races.

This lack of effort to safeguard Mr. Shelby's rights was also seen when Mr. Thoenig failed to object to the court instructing the jury that Mr. Shelby's case did not involve the death penalty. TR 237. Mr. Thoenig also refused the state's offer to stipulate to Mr. Shelby's prior burglary conviction to avoid prejudice. Despite the fact that the court found the conviction constitutional and that this trial also involved a burglary charge, specific evidence of the prior burglary was presented to the jury to support the unlawful possession of a firearm. TR 311-312; TR 974.

As trial began, Mr. Thoenig's lack of preparation became more apparent. Mr. Shelby faced aggravated murder charges, yet Mr. Thoenig

made no opening statement and called no witnesses on behalf of his client. TR 365; TR 982. Although asserting self-defense, Mr. Thoenig never prepared Mr. Shelby for the possibility of testifying at trial, instead advising him he could not testify because of his prior record. APP 1. Mr. Thoenig failed to impeach state witnesses Jeremy Cleveland, Daniel Griffith, and Jennifer Bohlen with their criminal history and/or probationary status after they testified against Mr. Shelby. TR 438-442; TR 505; TR 888-905. Mr. Thoenig did not cross-examine the following state witnesses at all: Kevin Cuban, TR 396; Officer Steven Thornton, TR 566; Officer Charles Koonce, TR 612, Coroner Ricardo Lopez, TR 708; and Crime Lab Expert Matthew Noedel, TR 741.

Kevin Cuban had been interviewed by defense counsel's investigator, but after the state called him to testify, Mr. Thoenig told the court that he was not prepared to cross-examine Mr. Cuban. TR 396. Mr. Cuban seemed surprised and asked to talk to defense counsel. TR 396-398. It is unknown what was said, but in any event, counsel gave up the opportunity for cross-examination that could have emphasized the positive information that Mr. Cuban told the defense investigator. Mr. Cuban would have confirmed that Mr. Shelby was calm as they headed to the apartment, that Shelby was just planning to talk with Ms. Bohlen, that

he did not think Mr. Shelby had a gun with him, and that he heard scuffling before any shots were fired. APP 124-126. Mr. Cubean could have also contradicted Jeremy Cleveland's testimony that he had heard Mr. Shelby say "Do you like that, do you want some more" after the shooting. Cleveland testified that he had heard this as he was passing Mr. Cubean when he left the apartment, but Mr. Cubean never testified to any such statement. TR 434; APP 124-126. Counsel's statements and actions suggest that his failure to cross-examine this witness was not tactical, but due to a lack of preparation.

Although no witnesses were called on behalf of Mr. Shelby, Tony Howard and Danion Singleton both had information supporting Mr. Shelby's self-defense arguments. APP 76-78, 92. Other witnesses that had helpful information included Danielle Griffith and Gregory Bradley. There is no evidence that Mr. Thoenig spoke to these witnesses himself before deciding not to call them, and it does not appear that the defense investigator ever interviewed Gregory Bradley.

Danielle Griffith was best friends with Jennifer Bohlen and is state witness Daniel Griffith's sister. Ms. Griffith could have confirmed that Butler was jealous while dating Bohlen, that she did not believe that Mr. Shelby ever assaulted Ms. Bohlen, and that she was surprised to hear that

her brother claimed to have received a call from Mr. Shelby threatening to shoot Butler. APP 127.

Gregory Bradley was Mr. Butler's cousin. He told the police that he had not taken the gun out of Butler's apartment, and that the gun was kept under the couch cushion or between the mattresses in Butler's apartment. APP 128-129. This testimony would have contradicted the suggestion by state's witness Ervin Bradley who acknowledged that there had been a gun in Butler's apartment, but believed it was removed by Gregory Bradley when he moved out shortly before the shooting. APP 128-129; TR 516-526.

There is no evidence that the defense consulted with any independent forensic or expert witnesses either to assist in cross-examining the state's numerous forensic witnesses or to provide affirmative evidence that may have assisted in showing Mr. Shelby acted in self-defense. APP 2. For example, forensic pathologist John Howard testified as to the path of the bullets and gun discharge distances for the State. TR 642-696. Without consulting an independent expert, Shelby's counsel had no way of confirming the validity of Mr. Howard's findings, or offering an alternative theory that was more favorable to Mr. Shelby's defense. Mr. Thoenig also attempted to bring up the issue of blood spatter

while cross-examining Dr. Howard. The court sustained the state's objection because this was outside the scope of direct testimony. TR 691-692. Shelby's defense counsel discussed hiring an expert on blood spatter, however there is no evidence an expert was even consulted. APP 2.

During the trial, Mr. Shelby told his lawyer that the one of the guards transporting him from jail to the trial was juror Brateng's brother. APP 3. Mr. Shelby was having problems with Officer Brateng and had filed a complaint about him with the jail. Mr. Shelby also had overheard guards talking about the fact that Brateng and his sister were attending a Mariner's game. APP 3. Mr. Thoenig failed to bring this matter to the court's attention so that an inquiry could be made to ensure the juror had not received improper information about Mr. Shelby. APP 3.

Had Mr. Thoenig been adequately prepared and presented the evidence and impeachment material available to him, Mr. Shelby's case would have taken on an entirely different light. As it stood, much of the state's evidence went unchallenged, and the jury was given little reason to question Mr. Shelby's guilt.

2. **Counsel's Conflicts of Interest Adversely Affected Mr. Shelby's Representation.**

The Sixth Amendment right to counsel is a guarantee of counsel's undivided loyalty. Wood v. Georgia, 450 U.S. 261, 271, 101 S. Ct. 1097,

1103 (1981). Meeting this guarantee requires conflict-free representation. Strickland v. Washington, 466 U.S. 668, 688, 104 S. Ct. 2052, 2065 (1984). The duty to avoid conflicts of interest is “perhaps the *most basic* of counsel’s duties” because it directly impacts the critical ability of the adversarial system to produce just results. Strickland, 466 U.S. at 692, 104 S. Ct. at 2067 (emphasis added). If counsel “actively represented conflicting interests” and the “actual conflict of interest affected [the] lawyer’s performance,” reversal is required. Id., quoting Cuyler v. Sullivan, 446 U.S. 335, 350, 348, 100 S. Ct. 1708, 1719, 1718 (1980). Conflicts of interest adversely affected Mr. Shelby’s case, and his conviction must be reversed.

**a) The Court failed to conduct an adequate inquiry into counsel’s conflict of interest prior to trial.**

In this case, the trial court considered whether a conflict of interest existed between Mr. Shelby and Mr. Thoenig after the conflict with Ms. Pierson was made evident. PTTR 5/5/1999 78-80. However, the court failed to fully inquire into the situation, and counsel was not given an opportunity to provide *ex parte in camera* information to the court that may have assisted the court in seeing the conflict of interest that existed. *Id.* A trial court must conduct a full inquiry into the nature and potential conflicts if it knows or reasonably should not of a particular conflict of



interest. State v. McDonald, 96 Wn.App. 311, 317-318, 979 P.2d 857 (1999), citing Holloway v. Arkansas, 435 U.S. 475, 488-89 (1978).

Because of the importance of the right to counsel, reversal is automatic if a full inquiry has not been conducted. *Id.*

The fact that Mr. Thoenig was unclear as to the ethical implications of his continued representation of Mr. Shelby, does not justify the court's limited review of the situation. As Professor Strait explains, Mr. Shelby's conflict with Ms. Pierson was automatically imputed to Mr. Thoenig, and he was prohibited from continuing representation under the ethical rules and likely under the Sixth Amendment as well. APP 156-159. Had a proper inquiry been done, the court may well have learned of the unwaivable conflicts of interest that existed. *Id.* Under the limited inquiry in this case, the court effectively shifted the burden to Mr. Shelby who could not adequately articulate the conflict of interest since he was not fully apprised as to the extent of Mr. Thoenig's conflicts. APP 159.

**b) DAC's representation of witnesses in Mr. Shelby's case created actual conflicts of interest.**

For purposes of the Sixth Amendment, an "actual conflict of interest" exists whenever "a defense attorney owes duties to a party whose interests are adverse to those of the defendant." State v. White, 80 Wn. App. 406, 411-12, 907 P.2d 310 (1995), rev. denied, 129 Wn.2d 1012

(1996). The question is whether the defendants' interests "diverge with respect to a material fact or legal issue or to a course of action." Cuyler v. Sullivan, 446 U.S. at 356, 100 S. Ct. at 1722. The same rule applies to a single law firm because duties owed by one attorney within a firm are imputed to the other attorneys in the same firm. State v. Hatfield, 51 Wn. App. 408, 412, 754 P.2d 136 (1988); RPC 1.10. Public defender agencies are considered law firms and are not subject to lesser ethical standards. APP 153. The Washington Rules of Professional Conduct provide persuasive reason for finding a conflict in the Sixth Amendment context. Professor Strait confirms that the ethical rules would have prohibited DAC's simultaneous representation of both Mr. Shelby and the witnesses and potential witnesses in this case. APP 153-155.

Counsel's failure to heed their ethical obligations also fell below the minimal standards of competency required for criminal counsel in Washington. APP 155-156. Counsel operated under conflicts of interest involving both current and former clients. While simultaneously determining who to call at trial and whether/how to impeach witnesses, defense counsel was obliged to protect the interests of these very witnesses. DAC's conflicted representation of Mr. Shelby's was distinguished by a lack of action in putting forth any witnesses or eliciting

testimony that would have supported his self-defense case. This resulted in the very danger the ethical rules seek to avoid. There is no tactical basis supported by the record in this case that could begin to overcome the adverse result by presenting no evidence on Mr. Shelby's behalf.

In State v. Robinson, 79 Wash. App. 386, 902 P.2d 652 (1995), the Court reversed defendant's conviction when defense counsel failed to call a helpful witness whom the attorney also represented. "when an attorney's loyalty is divided between a witness and the defendant, the attorney's decision not to call that witness readily leads to reversal under the Cuyler v. Sullivan test and can almost be said to epitomize it."

Robinson at 396. The Court noted that determining an adverse affect in a conflict case was different from analyzing the first prong of the Strickland analysis, because in the conflict situation "there can be no presumption of effectiveness when an attorney refrains from calling a helpful witness whose interests he is obliged to protect." Robinson at 399. In addition, an "adverse affect" on counsel's conduct can often result in the failure to act, i.e. "in what the advocate finds himself compelled to refrain from doing." United States v. Miskinis, 966 F.2d 1263, 1268(9<sup>th</sup> Cir. 1992), quoting Holloway v. Arkansas, 435 U.S. 475, 490, 98 S. Ct. 1173, 1181, 55 L.Ed. 2d 426 (1978).

This analysis was applied in Gordon v. Missouri, 684 S.W.2d 888 Mo. App. 1985), when the court found an inherent conflict for the public defender's office to represent the defendant and a witness testifying against him. *Id.* at 890. The Gordon court found adverse consequences requiring reversal when defense counsel failed to impeach this witness with any prior convictions. 684 S.W. 2d at 891. In Mr. Shelby's case not one, but five witnesses were or had been represented by DAC. In each case, helpful testimony was either not offered or not elicited in cross-examination. Under these facts, Mr. Shelby's conviction cannot stand.

**c) DAC's self-interest in engaging in conflict representation also created an actual conflict of interest.**

The existence of DAC's policy encouraging attorneys from handling cases where they are faced with cross-examining former clients, created another conflict of interest in Mr. Shelby's case. This adverse self-interest prohibited by RPC 1.7(b) was never disclosed to Mr. Shelby or the court. This similarly resulted in Mr. Shelby being denied the right to conflict-free counsel and adversely affected his defense. APP 150-153.

**d) The combined conflicts of interest require reversal of Mr. Shelby's conviction.**

The trial court's failure to conduct an adequate inquiry when advised of Mr. Shelby's conflict of interest with counsel, Mr. Thoenig's

continued representation when his law firm simultaneously and previously represented state and potential defense witnesses, and DAC's policy creating a self-interest that diverged from that of their client all resulted in Mr. Shelby being denied his Sixth Amendment right to conflict-free assistance of counsel and require the reversal of his conviction in this case.

3. **Defense Counsel's Performance Fell Below Minimally Acceptable Standards For Counsel In A Criminal Case and Prejudiced Mr. Shelby's Defense.**

Counsel's actions and omissions in representing Mr. Shelby fell well below the standard of reasonableness required for defense attorneys and constituted constitutionally ineffective assistance of counsel. See Wa. Const., Art. I, Section 6; U.S. Const., Amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 6674 (1984). Professor Strait notes that counsel's deficiencies create *prima facie* evidence of ineffectiveness, and that Mr. Thoenig's performance fell below the acceptable standards for minimally competent counsel in Washington. APP 155-156. While it is arguable that counsel's deficiencies individually prejudiced Mr. Shelby's defense, the combined deficiencies in this case are sufficient to overcome the presumption of effectiveness. See In re Brett, 142 Wn. 2d 886, 883, 16 P.3d 617 (2001); Harris v. Wood, 64 F.3d 1432, 1438 (9<sup>th</sup> Cir. 1995) (prejudice may be

shown from the cumulative impact of multiple deficiencies).

Mr. Shelby's counsel failed to interview or have his investigator interview the majority of the state's witness in preparation for trial, failed to make an opening statement, failed to call helpful defense witnesses whom he had not interviewed, and failed to consult with any independent forensic witnesses. Mr. Thoenig did not cross-examine or impeach several witnesses. He failed to stipulate to a prejudicial prior conviction and failed to object to the judge instructing the jury that this was not a death penalty case. Counsel conducted only a limited voir dire, failing to properly inquire of a juror whose brother was a jail guard where Mr. Shelby was incarcerated, and he failed to ensure that jurors were not tainted by pretrial publicity or the inflammatory campaign mailer. The record contains counsel's acknowledgements that he was not intimately involved with the pretrial investigation and that he was not prepared to deal with issues that arose. The result was an inadequate effort to meet the state's evidence rather than a zealous attempt to present Mr. Shelby's defense.

Counsel's ability to effectively represent Mr. Shelby was compromised by his failure to prepare and conduct the investigation necessary to mount a defense. An unreasonable investigation often

constitutes deficient performance because generally, investigation is not a decision intimately tied to trial strategy. Counsel must, at an absolute minimum, “conduct a reasonable investigation enabling him to make informed decisions about how best to represent his client.” Sanders v. Ratelle, 21 F.3d 1446, 1456 (9th Cir. 1994). Where counsel has wholly failed to make such an investigation, ineffectiveness is clear because “counsel can hardly be said to have made a strategic choice when s/he has not yet obtained the facts on which such a decision could be made.” Id. at 1457; *see also* Lord v. Wood, 184 F.3d 1083, 1095 (9<sup>th</sup> Cir. 1999) (counsel’s decision not to call witnesses will be given less deference when he failed to personally ascertain the witnesses credibility), *cert. denied*, 506 U.S.856 (2000); Chambers v. Armontrout, 907 F.2d 825, 828 (8<sup>th</sup> Cir. 1990) (decision to interview a potential witness is not related trial strategy, but is a decision related to adequate preparation for trial).

Many of the deficiencies raised have been found to be critical elements of an effective defense. *See, e.g.*, Bowers v. Maryland, 578 A.2d 734, 743 (Md.App. 1990) (lack of an opening statement relevant when no defense testimony is offered and given that many commentators find opening statement to be the singlemost important portion of); Davis v. Alaska, 415 U.S. 308, 94 S.Ct. 1105 (1974) (noting that cross-examination

is the principal means by which the believability of a witness and the truth of his testimony are tested); Commonwealth v. Murphy, 591 A.2d 278, 281 (Pa. Sup Ct 1991) (Finding counsel ineffective as there was no reasonable basis not to cross-examine witness on then existing juvenile probation and noting that there is no need to prove that a deal has been struck with the witness and the prosecution to infer bias); Harris v. Wood, 64 F.3d 1432, 1438 (9<sup>th</sup> Cir. 1995) (finding the failure to conduct adequate voir dire a factor supporting reversal for ineffective assistance of counsel); State v. Johnson, 90 Wn.App. 54, 63, 950 P.2d 986 (1998 ) (reversible error not to stipulate to a prior prejudicial conviction). . State v. Murphy, 86 Wn.App. 667, 668-71 (1997) (reversible error to instruct the jury in a non-capital matter that a case does not involve the death penalty), *review denied*, 134 Wn.2d 1002 (1998).

The record clearly reflects that Mr. Thoenig's conduct fell below the minim standards for competent counsel. The record also supports a finding that the deficiencies, particularly when combined with the conflicts of interest prejudiced Mr. Shelby's defense. Should the Court disagree, Mr. Shelby is entitled to a reference hearing to fully develop the facts necessary to support his claim of prejudice. See State v. Visitacion, 55 Wn.App. 166, 174, 776 P.2d 986 (1989).



#### IV. CONCLUSION

For all of the foregoing reasons, Armondo Shelby meets the requirements of both RAP 16.4(b) and (c), and he respectfully asks this Court to vacate his conviction and grant him a new trial. Alternatively, Mr. Shelby asks that the Court order a reference hearing to fully consider the factual issues raised herein.

DATED this 21<sup>st</sup> day of April, 2003.

Respectfully submitted,

SIDERIUS LONERGAN

A handwritten signature in black ink, appearing to read 'Anna M. Tolin', written over a horizontal line.

Anna M. Tolin, WSBA # 22071

Michael T. Sennott, WSBA #

Attorneys for Armondo Shelby

DECLARATION OF SERVICE

I, Anna Tolin, hereby certify that on this date, I caused to be delivered by United States Postal Service, first class postage prepaid, an original and three copies of Petitioner's Reply In Support of Amended Personal Restraint Petition to:

Washington State Court of Appeals, Division II  
950 Broadway  
Room 300  
Tacoma, WA. 98402


And that I caused to be delivered by the United States Postal Service, first class postage prepaid, one copy of Petitioner's Reply In Support of Amended Personal Restraint Petition to:

Michelle Luna-Green  
Pierce County Deputy Prosecuting Attorney  
930 Tacoma Avenue  
Room 946  
Tacoma, WA 98402-2171

DATED this 21st day of April, 2003.

  
Anna M. Tolin

No. 29358-7-II

2011 02 11 10:00  
FILED  
BY 

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

---

IN RE AMENDED PERSONAL RESTRAINT OF ARMONDO T.  
SHELBY,

ARMONDO T. SHELBY, Petitioner

---

**APPENDICES TO PETITIONER'S REPLY BRIEF IN SUPPORT  
OF AMENDED PERSONAL RESTRAINT PETITION**

---

SIDERIUS LONERGAN & MARTIN  
500 Union Street, Suite 847  
Seattle, Washington 98101  
(206) 624-2800 (phone)  
(206) 624-2805 (fax)

Anna M. Tolin  
Michael T. Sennott  
Attorneys for Armondo T. Shelby

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## **DECLARATION OF ARMONDO TREMAINE SHELBY**

ARMONDO TREMAINE SHELBY, hereby declares:

1. I am currently in custody at the Washington State Reformatory in Monroe, Washington, serving a sentence of 510 months.
2. After being charged with the murder of Tirrell Butler, I was assigned to be represented by Raymond Thoenig and Jane Pierson from the Department of Assigned Counsel (“DAC”).
3. I was not satisfied with how my lawyers were preparing and presenting my case both before and during trial. My family, my pastor and I all wrote letters attempting to get me new counsel, and my mother filed a bar complaint against Ms. Pierson. Copies of these letters are attached to my declaration at APP 5 -11.
4. I asked my attorneys to call Tony Howard, Danielle Griffith and Danion Singleton as witnesses at trial. The investigator spoke to these witnesses and they had information that supported my case, but my attorney did not call them at trial.
5. My attorney never prepared me to testify at my trial, he just kept telling me I could not testify because of my prior record.



6. Despite my requests, my attorneys did not hire expert witnesses including a blood spatter expert to help my case.
7. I was never informed by Mr. Thoenig or Ms. Pierson that the DAC also represented Tony Howard, Danion Singleton and Jeremy Cleveland while they handled my case. I was never told that DAC previously represented Daniel Griffith and Jennifer Bohlen. I first learned of these conflicts when the information was discovered by my current lawyers assisting me with my PRP. No one at DAC ever asked me to sign a waiver of these conflicts of interest.
8. I told the court that I did not want Mr. Thoenig to represent me unless he would properly handle my case. Had I known that Mr. Thoenig was not prepared to cross examine witnesses, that he was not going to present any evidence or witnesses to support my case, and that he had conflicts of interest; I would not have agreed to any waiver, and I would have insisted on having a new independent attorney handle my case.
9. Both during trial and while preparing my appeal, I made numerous requests for information including copies of all witness interviews from my defense counsel and the prosecution. I sent a letter to Mr. Thoenig asking for witness statements. Mr. Thoenig sent me Tony Howard's interview memo but said that he could not find the

witness summary for Danion Singleton. This letter and Mr.

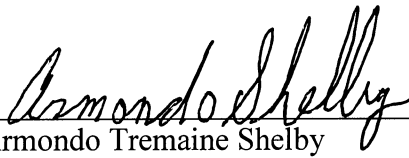
Thoenig's response are attached at APP 12 and 13. I learned from my current counsel that copies of Mr. Singleton's statement were in the files they received from DAC.

10. During my trial I had difficulties with Corrections Officer Brateng who was transporting me to and from court. Officer Brateng was harassing me and constantly telling me that I was guilty. I filed a complaint against him with the Pierce County Jail. I tried but was unable to get a copy of this complaint. My communications to and from the jail in an effort to get this information are attached at APP 14 - 16. Unfortunately, I do not have a clearer copy of the kite at APP 15 where I again requested my complaint.
11. During my trial I overheard another guard talking about the fact that Officer Brateng's sister was on my jury. I also overheard a discussion about Officer Brateng and his sister planning to go to a baseball game together. I asked my lawyer to bring this to the Court's attention because the guard had been in the courtroom at the same time as the jury on more than one occasion. Mr. Thoenig said he would talk to them, but nothing was ever done about this. I also told the judge at sentencing when I was allowed to speak, that Officer Brateng's sister was on the jury.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 20<sup>th</sup> day of March, 2003.

Signed at Monroe, Snohomish County, Washington.

  
Armondo Tremaine Shelby

John Hill,  
Dept. of Assigned Council

Sept. 21, 1998

I am writing in regards to my behalf. my attorney is Ray Thoening. Jane Pierson is assisting him. Through my attempts to get the legal advise. Mrs. Pierson has been rude, and disrespectful. Jane Pierson has raised her voice at me. I was told the prosecutor's want to see me leave out of prison, "Dead Inside A Pine Box." My attorney's should be supportive of any request I make. I talked to Ray Thoening about her conduct. I am asking to recieve Private Council, recently I've had emotional duress by the verbal abuse from your employee. The officer that was on duty overheard Mrs. Pierson

saying rude comments. I am a client being charged with aggravated murder. My lawyer denied all my request to disqualify the judge. There is a conflict of interest, because I am not being represented truthfully.

Sincerely,

Armondo Shelby  
Armondo Shelby

APRIL 19, 1999

TO WHOM IT MAY CONCERN;

MY SON ARMONDO TREMAINE SHELBY IS BEING REPRESENTED BY THE PUBLIC DEFENDERS OFFICE IN TACOMA, WA.

WE NEED TO HAVE MS. JANE PIERSON REMOVED FROM MY SON'S CASE.

MS. PIERSON AND MY SON ARMONDO HAVE BEEN IN CONFLICT FROM DAY ONE OF THIS CASE.

IT IS MY UNDERSTANDING THAT MS. PIERSON TOLD MY SON THAT IF HE TRIED TO HAVE HER REMOVED FROM THE CASE HE WOULD LEAVE THE JAIL IN A PINE BOX.

ON A DIFFERENT OCCASION SHE TOLD HIM HIS CASE WAS ALREADY LOST.

MY SON IS ENTITLED TO DUE PROCESS OF LAW.

WILL YOU PLEASE REMOVE MS. JANE PIERSON FROM MY SON'S CASE AND REPLACE HER WITH SOMEONE THAT WANTS TO HELP HIM.

HIS NEXT COURT DATE IS SET FOR APRIL 26<sup>TH</sup> 1999.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

THANKING YOU IN ADVANCE

*Cordelia Shelby*

MRS. CORDELIA SHELBY

Cc; pastor tunch

Cc; t.m.a.

Cc; pastor j.a. boles

# GRIEVANCE AGAINST A LAWYER



RECEIVED

APR 22 1999

WSBA OFFICE OF  
DISCIPLINARY COUNSEL

## GRIEVANT

## LAWYER

Name: Shelby Armendo T.  
(Last, First, Middle Initial)

Name: Pierson, Jane  
(Last, First, Middle Initial)

Address: 1114 East 61 Street  
(Street Address)

Address: 949 Market  
(Street Address)

Tacoma, WA 98404  
(City, State & Zip Code)

Tacoma, WA 98402  
(City, State & Zip Code)

Phone: (253) 472-7764 Same  
(Day) (Evening)

Phone: (253) 798-6062

(253) 472-7768

Lead Attorney Raymond Thoenig

Is or was the above-named lawyer your lawyer?  
If not, how did you come into contact with this lawyer?

Yes ☒ No ☐

Court assigned attorneys

Have you discussed this grievance with the above-named lawyer?  
If yes, what was the result of your discussion?

Yes ☒ No ☐

Do you now have a lawyer other than the above-named lawyer?  
If you do, please give his or her name, address and telephone number:

Yes ☐ No ☒

Are you involved in a lawsuit or other proceeding related to your grievance?  
If yes, please identify and give the case or file name and number:

Yes ☐ No ☒

## DESCRIPTION OF YOUR GRIEVANCE

Please concisely explain your grievance in your own words. Give us all important dates, times, places and court file numbers. Attach relevant documents. Please send us copies, not your originals.

The lawyer appointed to my son Armendo T. Shelby is  
incompetent. (Jane Pierson)

I am writing in regard of my concern for my son, Armando Tremaine Shelby for his misrepresentation and mistreatment by the court appointed lawyer located in Pierce County, Tacoma, Washington. He has been in jail since February 14, 1998. The lawyers often don't return his phone calls. He has been accused of calling people that he doesn't even know. He in the beginning asked for a change of attorneys, because of his life being threatened by Jane Pierson. Every time we appear in court for motions, court would be set over for another week.

One of the attorney, Jane Pierson told him if he got rid of her that he would leave out of jail in a pine box. Since then Miss Jane Pierson told him, he has already lost his case. I am his mother and the attorneys don't return my calls. I also leave notes to them to get in contact with me. He deserves a fair trial. A print flyer has been put out in Tacoma, Washington which is spreading lies about Armando Shelby when he was a juvenile. This has hurt his case in Pierce County. Please help us to get someone to help us.

#### CONSENT AND AFFIRMATION

I understand that Rule 2.9(c) of the Rules for Lawyer Discipline provides that unless I obtain a protective order or seek the status of a confidential source, the filing of a grievance constitutes my consent to the disclosure of the content of my grievance to the lawyer and to others; and to the disclosure by the lawyer and by others of any information relevant to the investigation. I understand that my grievance may become public.

In filing this grievance with the Washington State Bar Association, I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature: Armando Shelby Date: 4-21-99

Mail your completed and signed Grievance Against a Lawyer to:

Office of Disciplinary Counsel  
Washington State Bar Association  
2101 Fourth Avenue - Fourth Floor  
Seattle, WA 98121-2330

Armando T. Shelby  
Case # 98100715-1  
Pierce County Jail  
Tacoma W.A.



MACEDONIA MISSIONARY BAPTIST CHURCH

8645 PACIFIC AVE, STE. F

TACOMA. WA. 98444

(253) 537-5449

MEMBER:  
WASHINGTON STATE BAPTIST CONVENTION  
NATIONAL BAPTIST CONVENTION  
ASSOCIATED MINISTRIES TACOMA  
SOUTHERN BAPTIST CONVENTION  
T.M.A.

4-23-99

98-1-00715-1

TO WHOM IT MAY CONCERN

IT HAS BEEN BROUGHT TO MY ATTENTION THAT MR. (HIS ATTORNEYS ARE MISREPRESENTING) ARMONDO TREMAINE SHELBY.

MR. SHELBY IS BEING HELD IN THE COUNTY JAIL IN TACOMA, WA. WHERE HE HAS BEEN FOR THE LAST YEAR WAITING TRIAL.

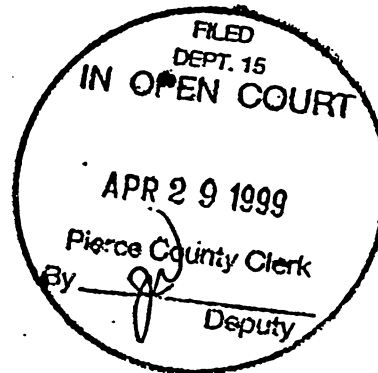
MR. SHELBY IS ENTITLED TO DUE PROCESS OF LAW. THIS LETTER IS NOT MEANT TO DECIDE THE OUTCOME OF THE TRIAL, BUT HOPELY TO HELP ENABLE MR. SHELBY GETS A FAIR TRIAL.

MY HOPE IS THAT YOU REMOVE THE ATTORNEYS REPRESENTING MR. SHELBY AND REPLACE THEM WITH COMPTENT ATTORNEYS.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CALL ME. (253) 537-5449.

YOURS IN CHRIST

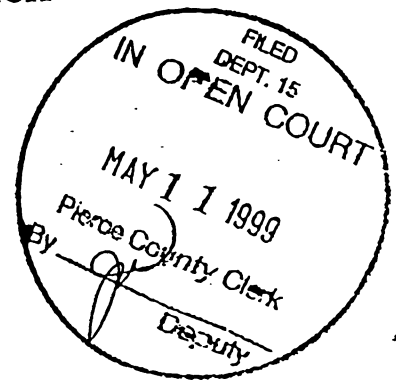
  
PASTOR K.W. TUNCH  
MACEDONIA M.B.C.



Cc; j.a. boles president  
Rev. l.a. madison  
Rev. c.s. price  
t.m.a.

MACEDONIA MISSIONARY BAPTIST CHURCH  
8645 PACIFIC AVE, STE. F  
TACOMA. WA. 98444  
(253) 537-5449

MEMBER:  
WASHINGTON STATE BAPTIST CONVENTION  
NATIONAL BAPTIST CONVENTION  
ASSOCIATED MINISTRIES TACOMA  
SOUTHERN BAPTIST CONVENTION  
T.M.A.



TO WHOM IT MAY CONCERN

I AM WRITING THIS LETTER IN HOPES THAT YOU WILL REPLACE ARMONDO SHELBY LAWYER. I WAS AT THE COURT ON MAY 10, 1999 AND TALKED WITH MR. SHELBY'S LAWYER.

THE LAWYER HAS AN ATTITUDE OF DEFEAT; HE FEELS THE CASE IS ALREADY LOST. MR. SHELBY IS ENTITLED TO DUE PROCESS BY LAW WHICH MEANS HE IS ENTITLED TO PROPER LEGAL REPRESENTATION.

THE LAWYER WAS OUTSIDE IN THE HALLWAY TELLING MR. SHELBY'S MOTHER THAT HER SON SHOULD TAKE SOME KIND OF DEAL THAT WOULD ENTAIL HIM DOING 21 YEARS IN JAIL.

HE SAID THAT IF MR. SHELBY DIDN'T TAKE THE DEAL THE JURY WOULD FIND HIM GUILTY AND YOU WOULD GIVE HIM LIFE IN PRISON.

I WAS NOT AT THE CRIME SIGHT SO I REALLY DON'T KNOW WHAT HAPPENED BUT I DO KNOW FROM TALKING TO MR. SHELBY'S LAWYER HE WILL NOT GET A FAIR TRIAL BECAUSE HIS LAWYER DOES NOT LIKE HIM AT ALL.

I DON'T KNOW WHERE AND HOW THE CONFLICT BEGAN BUT I DO KNOW THAT IN ORDER TO END IT YOU HAVE NO CHOICE BUT TO REMOVE THE LAWYER.

YOURS IN CHRIST

PASTOR K.W. TUNCH  
MACEDONIA MISSIONARY BAPTIST CHURCH

Cc: dr. j.a boles

December 19, 2000

Raymond H. Thoenig  
Department Of Assigned Counsel  
949 Market Street Suite 334  
Tacoma, Wa 98402-3696

Case No. 98-1-00715-1

I write you this letter in regard to the legal information that was obtained by your investigator during the investigation of my trial. I would like the interview statements that your investigator Mike Stortini received from Tony Howard and Danien Singleton which were statements given by them on my behalf. Im currently appealing the decision by the lower court and the statements from these two gentleman are not in my files. Infact you and Mike Stortini arranged the interview while my trial was pending. I do not intend to infringe upon you or disrupt your du ties, therefore I request the statements pertaining to my case sir. Please contact me at the Washington State Penitentiary.

Subscribed And Sworn to before me this 19<sup>th</sup> day of Dec, 2000

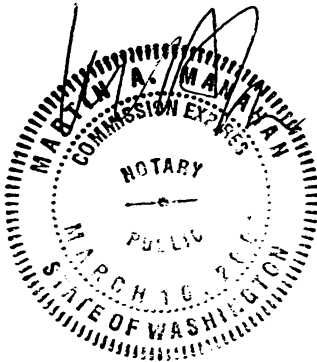
Sincerely,

Armondo T. Shelby

Armondo T. Shelby  
Christi A. Brandon

Notary Public in and for  
The State of Washington,  
Residing at Walla Walla,  
Washington. My Commission  
Expires:

3/10/2001



cc.



949 Market Street, Suite 334  
Tacoma, Washington 98402-3696  
(253) 798-6062 • FAX (253) 798-6715

January 5, 2001

Armondo T. Shelby 709192  
Washington State Penitentiary  
1313 N.13th Ave.  
Walla Walla, Wa. 99362

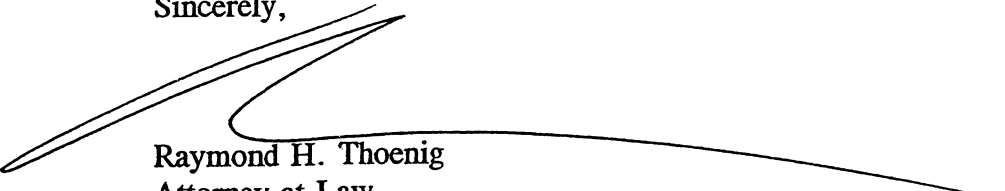
Re: State v. Armondo Shelby, Cause No. 98-1-00715-1

Dear Mr. Shelby:

In response to your recent letter I examined your file and retrieved the investigative notes on the interview with Mr. Howard. I was unable to locate and notes with respect to Mr. Singleton. I have enclosed the notes on Mr. Howard.

I wish you luck in your appeal.

Sincerely,



Raymond H. Thoenig  
Attorney at Law

RHT/rt

encl.

1	INSTRUCTIONS	PLEASE COMPLETE SECTION 1 - GIVE COMPLETED FORM TO A CORRECTIONS OFFICER. MAKE SURE TO PRINT CLEARLY.		
NAME: LAST, FIRST, MIDDLE INITIAL <u>Shelby Armondo T.</u>		TODAY'S DATE <u>5-20-99</u>	CELL NUMBER <u>5-W-6-7</u>	
PLEASE CHECK THE SUBJECTS YOU ARE WRITING ABOUT:		<input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> MAIL <input type="checkbox"/> YOUR PROPERTY <input type="checkbox"/> FOOD SERVICE <input type="checkbox"/> RELIGIOUS SERVICES <input type="checkbox"/> INMATE PROGRAMS <input type="checkbox"/> LIBRARY <input type="checkbox"/> MEDICAL <input type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> STAFF TREATMENT OF INMATES <input type="checkbox"/> GRIEVANCE APPEAL (COMPLETE SECTION 3) <input type="checkbox"/> VISITS <input type="checkbox"/> COMMISSARY <input type="checkbox"/> OTHER _____		
HAVE YOU TRIED TO SOLVE THIS PROBLEM BY SPEAKING WITH A CORRECTIONS OFFICER?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, NAME OF CORRECTIONS OFFICER: <u>Sgt. Garrish</u>	
PLEASE DESCRIBE THE PROBLEM(S): <u>I wrote a grievance against the escorting officer who was harrassing me when I was traveling to and from my trial. His name is Officer Bradeng and he said I was guilty. Where is my copy to the original complaint because his sister is a lawyer.</u>				
<input type="checkbox"/> CHECK HERE IF YOU ARE CONTINUING ONTO ANOTHER PAGE				
YOUR SIGNATURE <u>Armondo Shelby</u>		RECEIVED BY: <u>Scottick</u>	DATE: <u>6-23-99</u>	TIME: <u>2320</u>
YOUR GRIEVANCE WILL BE REVIEWED BY JAIL STAFF. YOU WILL RECEIVE A REPLY WITHIN 10 WORKING DAYS.				

2	INSTRUCTIONS	THIS SECTION TO BE COMPLETED ONLY BY JAIL STAFF.	
GRIEVANCE RESOLUTION: <u>I HAVE NO IDEA IT SHOULD HAVE BEEN RETURNED TO YOU</u>			
<input type="checkbox"/> CHECK THIS BOX IF YOU ARE CONTINUING ONTO ANOTHER PAGE.			
JAIL STAFF SIGNATURE <u>C. Moore</u>			DATE <u>6-24-99</u>
IF YOU FEEL THIS GRIEVANCE RESOLUTION IS NOT ACCEPTABLE, YOU MAY APPEAL. YOUR APPEAL MUST FULLY DESCRIBE WHY YOU THINK THE RESOLUTION WAS NOT ACCEPTABLE. THE DECISION MADE AT THE APPEAL IS FINAL.			

Tank

Date

6-17-97

TO:

Message:

NO KITES ACCEPTED  
AFTER 6:00 A.M.

(Print Name) Z-116

Mr. Sherry,

I completed your  
grievance quite some  
time ago and returned  
it to Lt. Murray. You  
will have to address  
your request to him.

Lt. Davis

### **DECLARATION OF MICHAEL T. SENNOTT**

MICHAEL T. SENNOTT, hereby declares:

1. I am an attorney licensed to practice in the State of Washington. I have been retained to assist Armondo Shelby with his Personal Restraint Petition.
2. Mr. Shelby filed his Personal Restraint Petition pro se. Despite his best efforts, he was unable to obtain much of the information necessary to support the claims in his PRP.
3. After being retained in this case, we requested Mr. Shelby's complete file from the Department of Assigned Counsel ("DAC"), and Mr. Thoenig forwarded a box of materials to us.
4. After reviewing the DAC file, the court transcripts, and initiating an investigation into the witnesses; we learned that Mr. Shelby's attorneys at DAC had operated under an actual conflict of interest.
5. In addition, while engaged in conflicted representation, Mr. Shelby's counsel failed elicit and present testimony and evidence that would have supported his defense.
6. After carefully reviewing all the materials in the DAC files, it became apparent that there were only a limited number of witness interviews done in this case. Defense investigator, Mike Stortini, interviewed state's witnesses Kevin Cuban, Jeremy Cleveland,



and Jennifer Bohlen. Jane Pierson participated in an interview of Ms. Bohlen. Mr. Stortini also interviewed potential defense witnesses Danielle Griffith, Tony Howard, and Danion Singleton. There is no evidence that Ray Thoenig participated in any interviews.

7. The DAC file contained no evidence of defense witness interviews for the following witnesses who testified against Mr. Shelby at trial: Officer Carol Standifer, Officer Joseph Mettler, witness Shelley Swanson, Officer Terhaar, Officer Fozzard, witness Ervin Bradley, Officer Steven Thornton, Forensic Specialist John Kristoffersen, Property Officer Charles Koonce, Forensic Therapist Delores Fitch, Forensic Pathologist John Howard, Medical Examiner Ricardo Lopez, Forensic Scientist Ronald Wojciechowski, Officer Matthew Noedel, Forensic Specialist Teddy Garn, and Detective James Williams. This accounts for 16 of the 19 witnesses called to testify at the trial.
8. There was no evidence of the defense ever interviewing the following additional witnesses who were not called by the state to testify, but whom were identified in the discovery or by state witness lists: Dave Jordan, Sara Gondor, Alberta Keywine, Mary

Griffin, Jolie Harris, Cassandra Hicks, Paul Bonney, and Gregory Bradley.

9. The DAC files contained an email from prosecuting attorney Sue Sholin to Ray Thoenig on August 8, 1998. Ms. Sholin asks when Mr. Thoenig is available to interview state's witnesses so they can start before he gets tied up in the Sap Kray trial. This email is attached at APP 27.
10. The files also contained an email from Sue Sholin to Jane Pierson on October 5, 1998. Ms. Sholin suggests that they wait on scheduling the interviews since Ms. Pierson and Mr. Thoenig may not be Shelby's attorneys in a week or two. This email is attached at APP 28.
11. On December 29, 1998, the state filed a Response to Defendant's Omnibus Application, noting that Jennifer Bohlen is the only prosecution witness the defense has requested an interview with. A copy of the pleading is attached at APP 29 – 30.
12. The DAC files contain a memo from Jane Pierson to Ray Thoenig in early 1998, noting that she checked for conflicts and found that DAC previously represented Jennifer Bohlen and that Jeremy Cleveland had two cases in Pierce County that were dismissed. Information about Mr. Cleveland's criminal history and Ms.

Bohlen's history and warrant status is attached to the memo. A copy of this document is attached at APP 31 – 34.

13. I have fully reviewed Mr. Shelby's files. There are no written conflict waivers contained in the files received from DAC, nor is there any suggestion that the various conflicts of interest were ever discussed with Mr. Shelby.
14. Jeremy Cleveland was called to testify by the State as an eyewitness to the alleged murder. Mr. Cleveland gave a tape-recorded statement to the police and he was interviewed by the defense investigator. The statement and interview summary are attached at APP 35 and 52.
15. A background check on Jeremy Cleveland revealed that Mr. Cleveland had numerous prior convictions including a felony VUCSA conviction and a theft conviction. A summary of Mr. Cleveland's criminal history and supporting court dockets are attached at APP 53 – 74.
16. These dockets also show that Jeremy Cleveland was charged with domestic violence assault in Pierce County in September 1998. He was represented by Paul O'Brien from DAC until December 1998. Attached at APP 70 – 74 is a copy of the docket confirming that Paul O'Brien represented Mr. Cleveland during that time.

Attached at APP 75 is printout from the Washington State Bar Association showing that Mr. O'Brien is an attorney at DAC. The docket also shows that Mr. Cleveland pled guilty to this case in January 1999 and remained on probation during Mr. Shelby's trial. APP 70 – 74.

17. Danion Singleton was not called to testify at trial, although he was interviewed by the defense investigator and initially listed as a defense witness. Attached are copies of the defense interview at APP 76 – 78 and a December 1998 witness list at APP 79.
18. In reviewing the DAC files, I located the State's Motion to Compel Discovery, where the prosecutor is requesting an interview with Mr. Singleton. The prosecutor notes that Mr. Singleton was recently represented by DAC, specifically by Jane Pierson. A copy of this motion is attached at APP 80 – 81. On April 5, 1999, Ms. Pierson sent a memo to the prosecutors that she did not plan to call Mr. Singleton except possibly as a rebuttal witness. This memo is attached at APP 82.
19. Copies of the docket and pleadings filed in Mr. Singleton's case are attached at APP 83 – 91. These records confirm that Jane Pierson represented Mr. Singleton beginning in late 1998 – at the same time she represented Mr. Shelby. Mr. Singleton's case

remained open, with modifications to his sentence taking place after Mr. Shelby's trial was concluded. APP 83 - 87.

20. The DAC files also contain notes from the defense investigator's interview with Tony Howard, another witness Mr. Shelby urged his counsel to call at trial. The interview notes are attached at APP 92.
21. Mr. Howard was also represented by DAC at the same time they were representing Mr. Shelby. Attached is a witnesses list in Mr. Howard's case, dated October 12, 1998, showing that his attorney, Mr. John Chin, was a lawyer with DAC. The List of Witnesses is attached at APP 93 – 94. A docket from Mr. Howard's case identifying Mr. Chin as his attorney and showing the simultaneous representation is attached at APP 95 – 98.
22. Jennifer Bohlen was an eye-witness to the shooting who testified against Mr. Shelby. Ms. Bohlen was previously represented by DAC for a theft charge. A docket listing for this case is attached at APP 105. Ms. Bohlen also pled guilty to charges of DWLS-3 and Refusal to Give Information on June 10, 1998, leaving her on probationary status at the time of Mr. Shelby's trial. A copy of the dockets for these cases is attached at APP 99 – 104.

23. Daniel Griffith was called to testify by the State against Mr. Shelby. A criminal history for Mr. Griffith shows that he was convicted of first degree possession of stolen property and malicious mischief in December 1996. Copies of the dockets for these cases are attached at APP 106 – 109.
24. I personally confirmed with the clerk of the court for Pierce County that these convictions were for Daniel Griffith, Jr., DOB 4/16/1982. The clerk also confirmed that DAC attorney John Chin at DAC represented Mr. Griffith on these charges.
25. Kevin Cubean gave a recorded statement to the police and was interviewed by the defense investigator. Copies of his statement and interview are attached at APP 110 – 126. Mr. Cubean was called to testify by the state and was not cross-examined by Mr. Thoenig at trial.
26. The DAC file also contained notes from the defense investigator's interview of Danielle Griffith (Daniel Griffith's sister). A copy of these notes is attached at APP 127. Defense initially identified Ms. Griffith as a witness, but she was not called to testify at trial. APP 79 and 82.
27. Gregory Bradley was interviewed by Detective Williams on February 16, 1998. A copy of his statement was provided to DAC

as it was included in the file materials they provided to us. This statement is attached at APP 128 – 129. Mr. Bradley was not called to testify at trial.

28. Mr. Thoenig responded to our request to provide us with Mr. Shelby's defense files. After receiving the files from DAC, we attempted to contact Mr. Thoenig in order to discuss Mr. Shelby's case. My co-counsel, Anna Tolin, tried to reach Mr. Thoenig by both telephone and letter. Mr. Thoenig did not respond to our requests to speak with him about Mr. Shelby's case.
29. Attached at APP 130 - 137 is a copy of the court docket for the murder trial of Sap Kray. Mr. Thoenig was lead counsel, and the Kray trial lasted for approximately four months, ending on April 14, 1999.
30. After obtaining an order to unseal the Juror Questionnaires in this case, I viewed and copied the questionnaires filled out by prospective jurors. In response to questions about family in law enforcement, juror Jean Brateng wrote: "Brother –Guard here in Tacoma Jails." This questionnaire is not being filed with the Court in order to maintain the confidentiality of Ms. Brateng's personal information.

31. The files received from DAC included media articles identifying Mr. Shelby as a suspect in this case. A copy of the articles are attached at APP 138 – 139.
32. Also included in the DAC files was a copy of a political flyer mailed by the Paul Brachvogel campaign, in his race against Judge Betsey Verhey during the fall 1998 election. The flyer contains extremely inflammatory information about Armondo Shelby's prior criminal history and states that he is facing the death penalty for a murder committed while he was on probation. This flyer is attached at pages APP 140 – APP 141.
33. I reviewed the election information available for this race. I concluded that this flyer was sent to Tacoma voters sometime prior to November 1998 election.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge and belief.

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Dated this 21<sup>st</sup> day of April, 2003.

Signed at Seattle, King County, Washington.

A handwritten signature in black ink, appearing to read 'Michael Thomas Sennott', positioned above a horizontal line.

---

Michael Thomas Sennott  
WSBA # 32824

**From:** Sue Sholin  
**To:** OSLO.DAC.RTHOENI  
**Date:** 8/4/98 11:01am  
**Subject:** Armondi Shelby

If you will let me know what days/times are best for you and your investigators, we can start setting up interviews of our witnesses before you get into Sap Kray.

**From:** Sue Sholin  
**To:** OSLO.DAC.JPIERSO  
**Date:** 10/5/98 2:51pm  
**Subject:** Armondo Shelby

If you have any motions that have not already been briefed, please forward your motions and briefs immediately so that this time the State knows what the motion is about. We can't do anymore ad hoc motions.

Also, if you expect that you and Ray will not be Shelby's attorneys in a week or two, why don't we wait on the interviews so that his new attorneys can do them?

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 98-1-00715-1

vs.

ARMONDO TREMAINE SHELBY,

Defendant.

STATE'S RESPONSE TO  
DEFENDANT'S OMNIBUS  
APPLICATION

The State provides the following responses to defendant's Omnibus Application filed December 17, 1998.

7. Defendant will need to bring a formal motion providing the factual and legal basis for the motion as the defense already has all discovery in the prosecution's possession and then some.

8. The defendant originally requested copies of photographs and, before these could be fully provided (some were provided), defense changed the request to a demand for actual negatives. As of December 29, 1998, defense counsel had not followed through and presented a court order for the court's signature, let alone provided law enforcement, who has custody of these negatives, with a copy of the order. As the court was previously advised, the State has allowed the defense to view the photographs in possession of the prosecutors. The State will do this again if it will help expedite things.

Audiotapes of conversations are in evidence and may be listened to under property room officer supervision. Transcripts of the audiotapes were provided to the defense in discovery nearly one year ago.

9. As the defense has previously been advised, physical evidence is available for inspection in the property room. The majority of this evidence is sealed biohazard material and unsealing will destroy the chain of custody (which the defense has refused to stipulate to) and will likely also damage the viability of this evidence. Some materials may also be out of the property room for forensic examination. Some items of evidence, however, may be readily viewed by arrangement with the property room.

11. On December 17, 1998, the defense withdrew its request to interview Delores Fitch. As the defense has previously been advised, Ervin Bradley is withdrawn as a witness for the State.

As the State previously advised the court, the State has repeatedly asked the defense which witnesses it sought to interview. The defense has requested the State arrange interviews of only Jennifer Bohlen, which interview was completed long ago, and

Office of Prosecuting Attorney  
County-City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

2  
3  
4 belatedly, Ervin Bradley, who has been withdrawn as a witness. It is  
5 the State's understanding that the defense has opted to have their  
6 investigator conduct interviews of other witnesses without the State's  
7 participation.

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RESPECTFULLY SUBMITTED this 29th day of December, 1998.

JOHN W. LADENBURG  
Prosecuting Attorney

By: \_\_\_\_\_

Sue L. Sholin, WSB #21333  
Deputy Prosecuting Attorney

2-24-98

Armando Shelby

Ray,

I've copied what we have so far, and run for conflicts checks based on the Information.

The only conflict I've found is out of Juvenile Court - Bob DePan represented witness Jennifer Bohlen, apparently to Pre-Trial Conference status. I know nothing else. Ms. Bohlen has two outstanding BW's in Tac Muni - I've given a memo to them not to represent her.

As to witness Cleveland, his cases are all out of county, with the exception of a PD2 case, but no DAC - at arraignment, Poss. of drug para and burglary tools - dropped, no PC.

JP

DN2001MI Defendant Case History (DCH) TACOMA MUNICIPAL PUB 1 of 1  
Case: \_\_\_\_\_ Csh: \_\_\_\_\_ Pty: \_\_\_\_\_ StId: D CLEVEJJ2650S WA  
Name: CLEVELAND, JEREMY JAMES \_\_\_\_\_ NmCd: IN 456 40096


CONFIDENTIAL--NOT FOR RELEASE More>

True Name: CLEVELAND, JEREMY JAMES IN 456 40096 8 Cases

AKA's:

						Violation				--- Status ---	
S	N	Case	LEA	Ty	Crt	Date	Short Title	DV	Jg	CD	W F O
-		98C000114	PRS	CN	PD2	01/26/98	POSS OF DRUG PARAPHERNALIA	N	DO	CL	P.C.
-						01/26/98	MAKING/HAVING BURGLARY TOOLS	N	DO	CL	OK
-		I00002905	WPD	IT	CHD	05/04/96	OPEN ALCOHOLIC CONTAINER	C			I
-		9500524	SNA	PC	EVD	04/06/95	ASSAULT	D	CL		
-		90706	LWP	CT	LYM	05/26/94	NO VALID DRIVERS LICENSE	G		N	I
-		82606	LWP	CN	LYM	05/02/93	POSS OF DANGEROUS WEAPON	G		N	
-						05/02/93	ILLEGAL POSS OF FIREWORKS	G			
-		79419	LWP	CN	LYM	01/22/93	THEFT THIRD DEGREE	G		N	
-		95-1-00521-1	S1	S31		04/06/95	ASSAULT 3RD DEGREE	G	CL		
-		93-1-01448-6	S1	S31		04/24/93	CONT SUBST VIOL A: MFG/DELVR/	G	CL		

PF1 PF2 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
HELP PER CDK PLS CDT BWD FWD DOL COS CFHS EXIT

  
SNO HOMISH COUNTY.

Case: \_\_\_\_\_ Csh: \_\_\_\_\_

Pty: \_\_\_\_\_ StId: D BOHLEJB208D7 WA

Name: BOHLEN, JENNIFER BETHANY

NmCd: IN 455 93841

CONFIDENTIAL--NOT FOR RELEASE

More&gt;

True Name: BOHLEN, JENNIFER BETHANY

IN 455 93841

6 Cases

AKA's:

S	N	Case	LEA	Ty	Crt	Violation		--- Status ---					
						Date	Short Title	DV	Jg	CD	W	F	O
-	-	CR0037077	TAP	CT	TMC	01/07/98	REFUSE TO GIVE INFO/COOPERATE	N				I	I
-	-	IN0040005	TAP	IT	TMC	11/23/96	FAIL TO YIELD THE RIGHT OF WA	C					I
-	-					11/23/96	OP MOT VEH W/OUT LIAB INS	C					
-	-	CR0016250	TAP	CT	TMC	11/23/96	DWLS 3RD DEGREE					I	I
-	-	100002086	MIL	IT	MIM	05/16/96	DEFECTIVE LICENSE PLATE LAMP	C					I
-	-					05/16/96	OP MOT VEH W/OUT LIAB INS	C					
-	-	C00001437	MIL	CT	MIM	05/16/96	NO VALID DRIVERS LICENSE						I
-	-	97-8-01673-5	S8	S27		02/08/97	THEFT 3RD DEGREE						

PF1	PF2	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	PER	CDK	PLS	CDT	BWD	FWD	DOL	COS	CFHS	EXIT

→ Pre-Trial Conference held  
 & else shown  
 Atty: Bob De Pan

→ Both in BW status - No atty. of record,  
 Δ has never appeared in there.



February 24, 1998

Please see attached DCH re: Jennifer B. Bohlen

Two cases currently pending, both in BW status, no attorney of record at this time; defendant has not appeared on either case.

Please do not represent Ms. Bohlen - if she wants counsel or advice on these cases, refer to outside counsel.

Thanks,

DEFENDANT: JENNIFER B BOHLEN

CASES: CR37077 (1-7-98) Refuse to give info/cooperate

CR16250 (11-23-96) DWLS 3°

**STATE V. ARMONDO SHELBY**  
**INVESTIGATION NOTES**  
**(98-1-00715-1)**

--- **Jeremy Cleveland, 12-4-98**

--- Resides at 2634 S. 256th St., #N-202, Kent.

--- Jeremy is 24 years old.

--- says he met Tirrell through a mutual friend.

--- Jeremy had known Tirrell for only 3 months prior to the incident.

--- Jeremy was living with his parents and was "staying" with Tirrell at Tirrell's apartment for the 3 or 4 days leading up to the incident.

--- Jeremy said he never saw a gun in Tirrell's apartment, though he said, "It wouldn't surprise me if he had a gun."

--- I asked Jeremy to explain why he feels this way; He said Tirrell had a "gangster type attitude" and Tirrell saw himself as a "tough guy."

--- Jeremy said Tirrell said people warned him not to see Jennifer because of her former boyfriend (Armondo).

--- Tirrell said, "it didn't matter", because he would "take care of business if he had to."

--- Jeremy never saw Tirrell's cousin, as the cousin moved back to Mississippi before Jeremy came to stay.

--- Jeremy never saw Armondo prior to the night of the incident.

--- He had seen Jennifer probably 10 -15 times prior to the incident.

--- Jeremy said Jennifer worked evenings at a local nursing home, then would come over and spend the night with Tirrell.

--- Jeremy's recollection is that Tirrell hadn't seen Jennifer for several days until he saw her on the night of the incident. Jeremy guesses it was almost a week.

--- Jeremy isn't sure how much contact Tirrell and Jennifer had over the phone that week.

--- Jeremy said Tirrell was jealous and suspicious that Jennifer was "fucking" somebody else, which Tirrell assumed to be Armondo. Jeremy said Tirrell definitely knew of Armondo/

---Tirrell was "in love with her". Some days prior to the incident Jeremy went with Tirrell to check on her and make sure she was actually working.

--- On the night of the incident, Jeremy was home alone watching TV.

--- Tirrell and Jennifer showed up outside the front door.

--- Jeremy could hear shouting outside. He "thinks" it was Armondo's voice doing the yelling.

--- Jeremy doesn't recall what they were saying.

--- Tirrell and Jennifer came inside together, closed and locked the front door.

--- They went into the bedroom to talk as Armondo was banging on the door.

--- Tirrell was telling Jeremy, "don't let him in."

--- Tirrell was yelling at Jennifer, "you've been out fucking him", to which she denied and said, "I love only you."

--- He could hear witness/Kevin Cubean outside telling Armondo, "forget it, lets just go."

--- He then heard Armondo say "fuck this shit" and he kicked the front door open.

--- Tirrell told Jeremy to go and call 9-1-1, as Tirrell did not have a phone in his apartment.

--- Tirrell and Jennifer are standing at the threshold of the bedroom.

--- Tirrell again tells Jeremy to call the police.

--- Armondo ran directly past Jeremy, pushing Jeremy aside as he ran by.

--- He said Armondo was wearing a long green jacket.

--- Armondo was moving "quickly" toward the bedroom and reached his hand (doesn't recall which hand) under his jacket and toward his back and pulled out a dark colored object.

--- Jeremy said it was fairly well-lighted in the apartment as the lights were on in the bedroom and the main living area.

- Armondo and Tirrell met at the bedroom door and an immediate struggle ensued.
- both their arms were above their heads as the two struggled for this "object".
- Jeremy said it is now obvious to him that the "object" had to have been a handgun..
- Armondo seemed to be "winning" the struggle, as Tirrell was now stepping backward.
- Jeremy could no longer see the "object" as Armondo's hands were in front of himself and he had his back to Jeremy.
- As Tirrell was backing up, Jeremy said he could see a "startled look in Tirrell's eyes, followed by a single gunshot. Jeremy ran from the apartment and heard more shots (uncertain how many) within 2 seconds of the initial shot.
- Jeremy said he was scared and ran for his own safety and hid, as he thought Armondo may come looking for him next.
- Jeremy said he saw Kevin get into his car and leave. He never saw Armondo leave the area.
- Says it seemed as though the police showed up immediately.
- Jeremy said Tirrell smoked pot "daily", though he didn't see him use on the day of the incident.
- Tirrell had experimented with "crank".
- Never saw Jennifer use drugs.
- Never saw victim fight.
- Never heard of Tirrell calling Armondo.
- Jeremy denies smoking pot that day and says he used to use crank, but quit one month prior to the incident.
- Jeremy drank one beer that day.

31029

SUBJECT OF ORIGINAL REPORT	BUTLER		IRRELL		CITY		STATE		ZIP		PHONE	
	ADDRESS: STREET											
CASE STATUS	Property	Partial	No Further Inv.	Investigation To	Cleared	Cleared	Cleared					
	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]					
	Recovered	Recovery	Pending New Leads	Be Continued	Unfounded	Exceptional	With Arrest					
RELATED CASE NUMBERS												

CODE : A (Arrest) S (Suspect) SV (Suspect Verified) R (Runaway) W (Witness) O (Other) I (Institutional Impact)

PERSON NO. 1	Code	NAME: Last		First		Middle (Maiden)		Home Phone		Business Phone		
	W	CLEVELAND		JEREMY								
	ADDRESS: Street		City		State		Zip		Occupation		Place of Employment/School	
	Date of Birth		Race		Sex		Height		Weight/Build		Hair	
	[ ] Booked		Number		Charge Details (Include Ordinance or R.C.W. Number)							

PERSON NO. 2	Code	NAME: Last		First		Middle (Maiden)		Home Phone		Business Phone		
	ADDRESS: Street		City		State		Zip		Occupation		Place of Employment/School	
	Date of Birth		Race		Sex		Height		Weight/Build		Hair	
	[ ] Booked		Number		Charge Details (Include Ordinance or R.C.W. Number)							

PERSON NO. 3	Code	NAME: Last		First		Middle (Maiden)		Home Phone		Business Phone		
	ADDRESS: Street		City		State		Zip		Occupation		Place of Employment/School	
	Date of Birth		Race		Sex		Height		Weight/Build		Hair	
	[ ] Booked		Number		Charge Details (Include Ordinance or R.C.W. Number)							

[ ] Additional Persons On Report Continuation Sheet (People) Form No. Z-556

PROPERTY RECOVERED - List and indicate disposition.

PROPERTY ON PROPERTY REPORT FORM (Form Z-1039)

NARRATIVE

L.L. This is Detective Lindberg of the Tacoma Police Department Crimes Against Person Detail. The date is 2-12-98. The time is 2220. The location of this tape recorded interview is 4th floor interview room. The purpose of this interview is in reference to Case Number 98-0431029. Present in the room is JEREMY CLEVELAND, who was a witness to the shooting; myself, Detective Lindberg; and Detective Brad Graham. Okay,

REPORTING TIME & DATE	OFFICER'S SIGNATURE & NO.	APPROVAL
2220 2-12-98	DET. L. LINDBERG #289	SGT. EAB #270
REPORT PROCESSING (Records Personnel Only)	DISTRIBUTION: Date By INDEXED: Date By	MICROFILMED: Date By COPY TO:
		REVIEWED BY (49)

INDEX	NARRATIVE
	JEREMY, are you aware we're tape recording your statement?
J.C.	Yes.
L.L.	Could you start out by telling us what happened tonight? What, you know, start out by when you got there and that sort of thing.
J.C.	I was there all day. He came home from work, then he says he had to go out and he'd be back in about an hour.
L.L.	That's TIRRELL?
J.C.	Yeah.
L.L.	And, and he's the one who rents that apartment, D-10?
J.C.	Yeah.
L.L.	Okay.
J.C.	Anyways . . .
L.L.	What time did he get home from work?
J.C.	He got home around 1:00 o'clock. He said he'd be back in an hour or two. Around 8:30 he finally came home and before he came in the door, well, all day long, cause I hadn't let, you know, I was only staying there, there were knocks on the door and somebody ringing the doorbell.
L.L.	And you didn't answer it?
J.C.	I didn't answer it. Anyways, TIRRELL and his girlfriend . . .
L.L.	Was his girlfriend there all day long too?
J.C.	No.
L.L.	When did she show up?
J.C.	She showed up with him.
L.L.	At 8:30?
J.C.	At around 8:30.
L.L.	Okay.
J.C.	So around 8:30, 8:45, something like that, and they were coming up the stairs and I heard them, heard some guy yelling at 'em that, you know, you were gonna go in there (unintelligible). I figured so. I came here and I catch you with him. Just going on you know, What are you doing, you bitch? And TIRRELL . . .
L.L.	You could hear that?
J.C.	Yeah. That was AMANDO.
L.L.	Could you tell where the yelling was coming from?

INDEX NARRATIVE

0431029

J.C. That was MANDO's voice.

L.L. Who's MANDO?

J.C. MANDO's the guy who shot.

L.L. Do you know him by any other name?

J.C. No. I didn't know him until tonight at all. It was the first time I ever seen him.

L.L. Well, could you tell where he was yelling from?

J.C. No, cause I was in the bedroom. I sat in the bedroom.

L.L. Okay.

J.C. I wasn't gonna let them know, you know, in case there was some problems and TIRRELL tried making it into the apartment. I wasn't gonna let `em know there was another person in there in case he needed help or anything.

L.L. Right.

J.C. TIRRELL came in and closed the door.

L.L. With, with his girlfriend?

J.C. Yeah, with just his girlfriend. And MANDO and his friends stap, stood out on the doorstep, beating on the door and shit. TIRRELL came into the bedroom and said that I had to leave, I had to leave right now.

L.L. That you had to leave?

J.C. Yeah. And so he was rushing me and I got my stuff together and everything and I was getting ready to leave, cause, you know, when, usually when he's with his girlfriend he wants, she works at 10:00, he just wants me to leave until around 10:00 and then I come back. So I got ready and I was about to leave. He's like no, you can't go

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## INDEX NARRATIVE

yet, whatever, and then he started saying something about he wanted me to make it to some place and call 9-1-1.

L.L. Oh, did he say where you to go, or just go anywhere?

J.C. Yeah, he said make it to, run down to the store, call AM-PM, or, or call 9-1-1 or call, call from somebody else's house or something.

L.L. Could you see those guys out on the front . . .

J.C. Yeah.

L.L. . . . porch?

J.C. Then, then TIRRELL was in the bedroom with her and I was in the living room and . . .

L.L. That's after he told you to go call 9-1-1?

J.C. Yeah, and then he told me not to open the door, not to let `em in, so now I couldn't go. And MANDO was beating on the window and beating on the door, saying, Tell that bitch to come out here. Tell her to get me my money. Just tell her I need her to get out here, tell her to get out of here now, and all this shit. And I like, is like, ahh, I'm not involved in this. And he's . . .

L.L. Did you tell him that or were just thinking that?

J.C. Well no, I said that through the window. I'm like I'm not involved in this. And he sat there and beat on the window, I don't know, about another two, three minutes. Finally he just said, Fuck this shit and he kicked the door in.

L.L. So, one, once he was up there by the door, he never left the doorway area?

J.C. No.

L.L. Okay. He, he kicked the door in, or did, did his friends?



J.C. He, he kicked the door in. He came in behind him, grabbing his gun, pulled it . . .

L.L. Wait a minute now. MANDO kicked the door and . . .

J.C. MANDO kicked the door.

L.L. . . . then his . . .

J.C. MANDO came in . . .

L.L. . . . friend came in behind him?

J.C. No, his friends stood, stayed out on the porch . . .

L.L. The whole time?

J.C. . . . the patio thing, when, the entire time that I was there.

L.L. Okay.

J.C. His friend, in fact, was telling him, Come on MANDO, let's just go.

L.L. His friend . . .

J.C. Yeah, his friend . .

L.L. . . . didn't want any part of it, huh?

J.C. . . . Yeah, his friend, when the door got kicked in, he's all, Oh fuck. Come on MANDO, let's just get, get the fuck out of here. Come on. The police are gonna come.

L.L. Can you describe him, this friend?

J.C. He was wearing a baseball hat, he was heavyset, (unintelligible) heavyset as you.

L.L. Is he a black guy?

J.C. Black guy. He was the one that was, I guess driving the car, cause when I ran down the steps . . .

L.L. Okay, we're getting ahead of ourselves here. Okay, MANDO kicked in the door.

## INDEX NARRATIVE

J.C. MANDO kicked in the door. A piece of the door jamb went flying across the room. I was sitting on the couch right by the door and MANDO went running past me, grabbing his gun.

L.L. Where, where did he have his gun?

J.C. In back, I don't know, he was just grabbing from his jacket.

L.L. Inside of his coat or . . . ?

J.C. Yeah, I don't know if it was in his belt or . . .

L.L. With his, with his right hand?

J.C. No, with his left.

L.L. Okay.

J.C. He, he was reaching around from the other side from where I was.

L.L. Okay. And, but he ran by you (unintelligible)?

J.C. He grabbed it and I wasn't sure whether he was grabbing a gun or not, so I wasn't too worried. I just walked, I just got up and started to walk out the door. And I turned around and I saw them slamming, him and TIRRELL slam into each other.

L.L. Where, where did that take place?

J.C. In the, right in the doorway of the bedroom.

L.L. Okay.

J.C. And his girlfriend was right to the side of them.

L.L. In the bedroom?

J.C. Yeah. She was on the inside of the bedroom door.

L.L. Which side? Towards the bathroom or towards the closet?

J.C. Towards the bathroom.

L.L. Okay.

J.C. And then, that's when I saw that there was a gun.

L.L. You saw MANDO holding a gun?

J.C. Yeah.

L.L. Can, can you, could you tell what kind of gun it was?

J.C. All I saw was, I just, honestly it was, I knew he had a gun there's, like something that, you know.

L.L. Yeah.

J.C. Something protrude. And at first I wasn't even really sure . . .

L.L. Did he say, did he say anything after he went by you?

J.C. No.

L.L. Did JEREMY, or did TIRRELL say anything?

J.C. No. No. I mean as soon as he opened up the door, as soon as he kicked in the door, it was like BOOM. He went straight through and into the bedroom.

L.L. And they, they bumped together?

J.C. Yeah. And then all of a sudden, I mean I was right in the doorway and I looked over at his friend and his friend's all come on, you know, he just kind of looked at me like, you know, What do you want me to do? Or whatever. And then all of a sudden I heard the shot and I heard him say, You like that, huh? You like that? And when I heard the shot I turned around real quick, I mean I just looked back long enough to see TIRRELL fall back. I don't know if he fell down or not, but I saw him fall back, and heard his girlfriend's just start screaming really bad and when I heard that I ran. I ran down the porch and I wasn't sure . . .

L.L. Which way did you go? Out, out the door, which way'd you turn?

J.C. The ramp to the right.

## INDEX NARRATIVE

L.L. To the right, the long way?

J.C. Yeah, the long way. And . . .

L.L. How many shots did you hear?

J.C. I, I know I heard one. But then I thought I heard about three more.

L.L. Okay.

J.C. But I wasn't sure because . . .

L.L. That's when you were already moving out?

J.C. . . . these boots, these boots were making, make a lot of noise on the, that wood.

L.L. Right.

J.C. And I wasn't sure, cause they were, the first one was really loud, but the other three weren't that loud, so (unintelligible).

L.L. Okay.

J.C. So then I ran, I ran in around and came back in around some, some, the building.

L.L. You, did you go down the stairs?

J.C. I came down the stairs.

L.L. And then went behind the back of the building?

J.C. I went, there's that building that goes this way?

L.L. Right.

J.C. I came down and went all the way and around. Or no, I went in between the two. That's right. I went in between the two. The one that's this way and the one that's that way from 'em, then TIRRELL'S is right there. Went in behind the one that's there.

L.L. Okay.

J.C. There were some bushes there, cause I heard MANDO's friend and him, or I thought it was him and his friend coming, so I jumped in behind

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some bushes and I saw his friend walk in around and along and it, honestly I thought that, I mean somebody went up where the building's this way and then there's some other buildings over here and big grass way. Somebody went up that way.

L.L. Okay. Here's . . .

J.C. I'm, I'm . . .

L.L. . . . you're drawing a picture of TIRRELL's building and then there's another building . . .

J.C. Okay. There's TIRRELL's apartment.

L.L. Okay.

J.C. And there's a building like right here, building right here, building right here. There. And then over here . . .

L.L. Okay.

J.C. You know, the driveway goes this way?

L.L. Right.

J.C. There's this big grass thing and there's these buildings over in this way. And I came down the stairs here, went in around and I was in these bushes right here.

L.L. Okay.

J.C. And I could see somebody go up this way, into these, into this lawn and somebody continue over here. And then over here at the tennis courts . . . .

L.L. Right.

J.C. . . . there was a, it's like a brown Tempo.

L.L. Okay.

J.C. And then MANDO's friend got into it . . .

## INDEX NARRATIVE

L.L. Okay.

J.C. . . . by himself and drove off.

L.L. Let me just get this for the tape recording now. JEREMY'S indicating that after he ran from the apartment, he ran behind the building, which faces approximately east and west and is to the southeast of the victim's building. From some bushes there he had a vantage point of the stairway, of the south stairways to the victim's apartment and . . .

J.C. And they came down these, these stairs . . .

L.L. . . . he saw . . .

J.C. . . . where they came down.

L.L. . . . he saw two people on the, the road behind the victim's building. One of the people went south to the parking area near the tennis courts and drove away in a brown Tempo?

J.C. It was, I . . .

L.L. Some car like that?

J.C. . . I couldn't see. I was in the bushes. I didn't . . .

L.L. And another person went westbound across the street, up into a grassy area near the next set of buildings. Is that right?

J.C. Yeah. But that's where his, where TIRRELL's girlfriend came down from when the police were there, when they were arresting me. She came down from those. That's why I figured it was her.

L.L. So you think they may have some friends up in that, in those buildings?

J.C. Yeah, she came down with a friend of hers. I mean she came down from that same area that . . .

## INDEX NARRATIVE

L.L. Now the person that walked towards the tennis court and the person who walked up toward the grass, could you tell whether it was MANDO or . . . .

J.C. No.

L.L. . . . his friend, or . . .

J.C. No, that's why, like I said. I, I figured that the one that continued walking this way was MANDO's friend. The one that went up there was the girlfriend.

L.L. Oh, okay. And so, you don't really know where MANDO went . . . .

J.C. No.

L.L. . . . afterwards?

J.C. No.

L.L. But you think that MANDO's friend left alone in the car?

J.C. I, yeah, I, I know that.

L.L. You know that?

J.C. As far as when I got there. His friend opened up the door, driver's side door . . .

L.L. And that was the same person you had seen up at the apartment?

J.C. Yeah. Yeah, his friend opened up the driver's side door. I was sitting there in the bushes. I looked up and I'm not sure if he saw me or not, but he looked right at my direction. And I didn't know what was gonna happen, I mean, I figured somebody got shot and I didn't want to get shot, too.

L.L. Right.

J.C. For being there.

L.L. That's something I can understand.

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TPD



PCSD



OT ER

38-0431029

## INDEX NARRATIVE

J.C. And his friend just got in the car and then drove off.

L.L. Okay.

J.C. And as far as I could see, and all I could see was in that way. I don't know if you picked him up around the corner or if you picked him up somewhere in the . . . I don't whether he went towards the exit or went deeper into the apartments.

L.L. Okay, the person that walked up into the grassy area, to the west of the victim's building, could you tell if that was a female or not?

J.C. No. I, I, at first I thought it was MANDO.

L.L. Okay.

J.C. I figured it was MANDO running off or something.

L.L. But you, you really couldn't see good enough?

J.C. I couldn't see. All I knew was there was just two people there.

L.L. Okay. After, after his, MANDO's friend drove away in the brown car, what did you do then?

J.C. I stopped. I jumped the fence that's right here . . .

L.L. Okay.

J.C. . . . into the next apartment complex.

L.L. So you ran eastbound to a fence and . . .

J.C. Well yeah, there's a parking lot right here. There's a whole parking lot and there's a fenced off area right there.

L.L. Correct.

J.C. I jumped the fence.

L.L. Yeah, jumped . . .

J.C. Ran down the, there's like a drop-off right behind it. Jumped down that and ran through the com, through the complex, down to the

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## INDEX NARRATIVE

AM-PM.

L.L. Okay.

J.C. When I got out to the road, I'd already seen that the police were quarantining off the area and so I went back into the complex and walked up, through to the tennis courts and came up around and that's when the one police officer grabbed me by my hair and starts yelling, "Where's the gun? Where's the gun?"

L.L. Probably scared him. Where, now when you're still in the apartment, you said that you were sitting on the couch in the living room when MANDO ran by you to . . . .

J.C. Um-hum.

L.L. . . . confront TIRRELL. And, and you said that at that point MANDO said some things. What was he saying?

J.C. When he was running through?

L.L. When he, when he shot.

J.C. When he, when I, when I first heard the shot all I could hear was, You like that huh? You like that?

L.L. And then his girlfriend started screaming?

J.C. Yeah.

L.L. Have you ever seen MANDO before tonight?

J.C. No.

L.L. How about the, his friend?

J.C. No.

L.L. How about TIRRELL's girlfriend?

J.C. Yeah.

L.L. You seen her on occasion? And you don't remember what her first name is or . . . .

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-0431029

## INDEX NARRATIVE

J.C. I think it's JENNIFER or something like that. I don't know. I don't pay attention.

L.L. Any questions, BRAD?

B.G. Has, has TIRRELL ever talked about having problems with anybody about JENNIFER?

J.C. Night before last we were driving around and he said that she was cheating on him, that he knew it, whatever. That bitch and . . . We went by her, where she works.

L.L. Where does she work, by the way?

J.C. Orchard Place, a retirement home or something like that.

L.L. Okay.

J.C. And he was asking her questions and he kept saying that she said something to me that I wasn't telling him, was getting mad at me for it and I, I was telling him no, I don't know. I don't know. But he said that she was supposed to have called him the day before, at 6:00 in the morning, and it took her til 9:00 o'clock the next day to call him. And when we got there she said she had been in Lynnwood and that's where she was and that whatever and . . .

L.L. So TIRRELL was already suspicious of what she was doing?

J.C. Yeah. But then the next day, yesterday, they spent the afternoon together, whatever. He went and got her around 7:00 or 8:00 and drove her to work.

B.G. Did he tell you he thought she was cheating with?

J.C. No.

B.G. You never heard the name MANDO before?

J.C. I might have in their conversations, but I don't pay attention, you know. I try to keep out of it.

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L.L. Okay, JEREMY. Is there anything else that you wish to add to this statement that might be helpful?

J.C. No.

L.L. Is this statement given voluntarily and without any threats to you?

J.C. Yeah.

L.L. And have we made any promises to you?

J.C. No.

L.L. Okay JEREMY, the date is still 2-12-98. The time now is 1036 hours.

The interview is now terminated.

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**C.D. BECK & ASSOCIATES, INC.**  
**INVESTIGATIONS**

P.O. Box 3851  
Seattle WA 98124  
Web site: cdbeckinc.com

TEL: 206/621-0126  
Fax: 206/621-8820  
EM: cdbeckinc@sprintmail.com

**MEMORANDUM**

**CONFIDENTIAL**

**TO:** Michael Sennott  
**FROM:** Patti Talbot  
**DATE:** January 30, 2003  
**RE:** Criminal Background Check on Jeremy Cleveland  
Date of Birth: 09/10/74

With the information provided to this office a background check was conducted on the above individual. The following is a summary of the results.

- I. <sup>Superior</sup> **Snohomish County District Court- Criminal**
- ✓ Case # 93-1-01448-6, filed 10/12/93. Mr. Cleveland was charged with RCW 69.50.401 Controlled Substance Violation A: Mfg/Delvr/Poss – LSD. Mr. Cleveland pled guilty on 5/11/94. On 6/22/94 judgement of guilty was entered with a sentence of 30 days Jail with credit for 1 day served and work release if eligible, 12 months community supervision, \$176.00 costs and \$631.00 attorney fees. On 2/10/98 order modifying sentence was entered and the court imposed 12 days jail with credit for 12 days served. On 1/15/02 order modifying sentence was entered and the court imposed 15 days jail with credit for 10 days served.
  - ✓ Case #95-1-00521-1, filed on 4/13/95. Mr. Cleveland was charged with 9A.36.031 Assault, 3<sup>rd</sup> Degree. Mr. Cleveland pled guilty 05/12/95. On 6/7/95 a judgement of guilty was entered with a sentence of 8 months jail with credit for 57 days served, 12 months community supervision, no possession of firearms, \$631.00 attorney fees and restitution (no amount stated). On 7/14/98 an order modifying sentence was entered and the court imposed 15 days jail with credit for time served. On 1/15/02 an order modifying sentence was entered and the court imposed 15 days jail with credit for 2 days served. \*

Background Jeremy Cleveland page 1 of 4

## II. Washington Statewide District Courts

### Lynnwood Municipal Court

✓ Case #79419, filed on 1/25/93. Mr. Cleveland was charged with 9A.56.050 Theft, Third Degree. On 2/04/93, Mr. Cleveland pled guilty and the Court imposed a fine of \$5,000.00 with \$4975.00 suspended, 365 days jail with 365 days suspended for 1 year deferred sentence on the conditions of paying costs and fine of \$72.50, having no contact with Albertson's Stores and probation for 1 year. On 2/28/94 the case was closed with a guilty finding and the fine amount due was sent to a collection agency.

✓ Case #82606, filed on 5/03/93. Mr. Cleveland was charged with 9.41.250 Possession of Dangerous Weapon – Charge 1 and 70.77.485 Illegal Possession of Fireworks – Charge 2. On 5/03/93 Mr. Cleveland pled guilty to both charges. The court entered a finding of guilty on both charges and imposed a sentence of \$1000 fine with \$900.00 suspended and 90 days jail suspended for each charge and costs totaling \$405.00, have no criminal violations, forfeit switchblade to City of Lynnwood and enter into a court monitored probation for 1 year. On 9/20/04 the case was sent to collection. On 5/17/97 the court assigned the case to a collection conversion: status A Agent Assigned.

Case #90706, filed on 5/27/94. Mr. Cleveland was charged with 46.20.021 No Valid Drivers License. On 6/21/94, Mr. Cleveland pled guilty. The court entered a finding/judgement of guilty and imposed a fine of \$215.00 and the conditions of no driving without valid license and insurance. On 3/24/95 the case was removed from time pay, and the court issued a failure to appear for the amount of \$215.00. On 5/17/97 the court assigned the case to a collection conversion: status A Agent Assigned. FTA active.

### Snohomish County District Court – South Division

Case #194378, filed on 01/13/94. Mr. Cleveland was charged with 9A.36.04.DV Domestic Violence-Assault, 4<sup>th</sup> Degree. On 05/17/94 plaintiff's motion to dismiss was granted and case closed.

Case #204728, filed on 5/04/94. Mr. Cleveland was charged with 46.20.021 No Valid Drivers License. On 6/21/94 the court entered a finding of guilty and imposed a suspended sentence for 1 year on the conditions that no driving without a valid license and insurance. On 10/01/97 an Application and Writ of Garnishment Filed - \$225.44 on Heath Tecna Aerospace Corp. Writ action filed under Civil Case #C 97-2790. On 3/01/02 case obligation transferred to Asset Management Outsourcing Recovery. FTA Active.

Case #206670, filed on 12/18/94. Mr. Cleveland was charged with 10.99.050 No Contact Order Violation. On 05/31/95 the court entered a finding of guilty and imposed a suspended sentence for 1 year with the condition to not violate any domestic violence orders. On 01/03/97 the case was closed with conditions met.

Case #209772, filed on 12/15/94. Mr. Cleveland was charged with 9A.56.170 Possession of Stolen Property, 3<sup>rd</sup> Degree. On 05/31/95 the plaintiff's motion to dismiss was granted and the case was closed.

Snohomish County District Court – Everett Division

Case #9500524, filed on 04/11/95. Mr. Cleveland was charged with PCAssault. On 04/16/95 formal complaint not filed here within 72 hours. Probable Cause file closed and a case disposition of clear entered.

Pierce County District Court #2

Case #98C000114, filed on 01/26/98. Mr. Cleveland was charged with 69.50.412 Possession of Drug Paraphernalia, charge 1 and 9A.52.060 Making/Having Burglary Tools, charge 2. Probable cause was not established and case was dismissed with out prejudice for both charges.

Case #98C011008, filed on 9/18/98. Mr. Cleveland was charged with 9A.36.041.DV Domestic Violence – Assault, 4<sup>th</sup> Degree. On 01/19/99 Mr. Cleveland pled guilty. The court entered a finding/judgement of guilty and imposed a \$400.00 fine, 365 days jail with 356 days suspended, 2 years probation, no violations for 1 year, no possession of firearms for 2 years. On 6/15/99 probation officer Doug Butcher filed a violation report to the court. Defendant was ordered to return to court on 8/11/99 with an alcohol evaluation. On 10/28/99 the court imposed 7 days work crew and ordered that defendant be in alcohol treatment by 11/27/99. On 12/22/99 the court imposed 3 days jail for failure to be in treatment. On 2/16/00 the court imposed 6 days jail for two separate violations and ordered the defendant to be in treatment by 04/06/00 or the court will impose 12 days. On 3/01/00 the court issued a bench warrant for failure to comply, defendant failed to appear for jail. On 12/10/02 bench warrant was recalled and the case was transferred to Pierce County District Court #1.

Pierce County District Court #1

Case #98C011008, filed on 9/18/98. This case was transferred from Pierce County District Court #2. The court entered a finding/judgement of guilty and imposed a sentence of 365 days jail with 343 days suspended, 2 years probation, no violations for 2 years, no firearms or possession of firearms for 2 years. Bench warrant was issued manually on 03/01/00 for failure to comply. Bench warrant active.

Federal Way Municipal Court

Case # CA0016313, filed on 06/08/00. Mr. Cleveland was charged with 9A.36.041 Assault, 4<sup>th</sup> Degree, Domestic Violence.. On 11/29/01 the charge was dismissed without prejudice and a disposition of clear was entered on 12/03/01.

Auburn Municipal Court

Case #C00071502, filed on 02/23/00. Mr. Cleveland was charged with 9.02.020 Provoking Assault. On 01/02/02 the charge was dismissed and a disposition of clear was entered.

Case #C00074905, filed on 4/18/01. Mr. Cleveland was charged with 9.01.180 Assault/Battery, 4<sup>th</sup> Degree. On 06/04/01 the defendant failed to appear for hearing and a bench warrant was issued on 06/07/01. The warrant was served on 11/26/01. On 01/02/02 the court entered a finding/judgement of guilty and imposed the sentence of \$5,000.00 fine suspended and 365 days jail with 334 days suspended. Defendant complied with jail sentence.

Please advise you would like any dockets or court documents.

**END MEMORANDUM**

## CourtLink eAccess Details for \*\* Case: 79419 LWP CN \*\*

Court System: Washington District & Municipal Courts

Date Printed: 3/20/2003 5:51:57 PM

Court: State of Washington -- Lynnwood Municipal Ct

Criminal: Non-Traffic (Lynnwood Police Department)

Judge:

Filed on: 01/25/93

Note:

### Docket

<u>Date</u>	<u>Description</u>	<u>Initials</u>
01/25/93	Case Filed on 01/25/1993	LRW
	ARR Set for 02/04/1993 08:00 AM	LRW
	in Room 1 with Judge SLC	LRW
	Summons/Bail Notice Issued	LRW
02/04/93	Accounts Receivable Created 72.50	DJR
	Case Scheduled on Time Pay Agreement 1 for: 72.50	DJR
	ARR: Held	EJR
	Proceedings Recorded on Tape No. 93-028	EJR
	Stephen L. Conroy, Judge	EJR
	Atp: L Towers	EJR
	Def Present	EJR
	Def Duly Arraigned, Plea Guilty, Stipulation Signed	EJR
02/04/93	Cr/ Guilty \$5000/365 DS \$4975/365 1 YR on Cond:	EJR
	1. Pay \$25 + Costs & Assmts = \$72.50	EJR
	2. no Criminal Viol.	EJR
	3. no Contact With Albertsons Stores	EJR
	Finding/Judgment of Deferred Senten for Charge 1	EJR
	Probation : 1 Y	EJR
	PRO Review on Charge 1 Set for 02/04/1994	EJR
	End--1920	EJR
03/10/93	Summons Returned.	JMO
04/13/93	COMPLIANT Time Pay Statement Sent for Time Pay Agreement 1	SYS
06/23/93	REV Set for 06/30/1993 09:30 AM	JMO
	in Room 1 with Judge SLC	JMO
	Notice Issued for REV on 06/30/1993 09:30 AM	JMO
06/30/93	REV: Not Held, Hearing Canceled	LJB
06/30/93	MOT BW: Held	LJB
	Tape #93-170	LJB
	Def FTA For Review Hearing.	LJB
	Bench Warrant Ordered in The Amount of Fine.	LJB
	Cash Bail Only. no Walkin.	LJB
	Bail to be Forfeited For Fine.	LJB
	Finding/Judgment of Guilty for Charge 1	LJB
07/01/93	Filed--Hearing Notice Post Office Returned.	LJB
07/06/93	Case Removed from Time Pay Agreement 456 40096 1	LJB
	BENCH Warrant Ordered	LJB
	Print on or after 07/06/1993	LJB
	Warrant expires on 07/06/1996	LJB
	Warrant Order Canceled	LJB
	Warrant Cancelled Due to The Amount of Fine. Case to go to	LJB
07/06/93	Collections. do Not Set on Time Pay.	LJB
	Case Eligible for Collections Notice.	LJB
08/09/93	Case Removed from Collection Process	LJB
	Collections status was blanked out.	LJB



<u>Date</u>	<u>Description</u>	<u>Initials</u>
01/05/94	Case Eligible for Collections Notice.	LJB
	Collections status was blanked out.	LJB
	Case Eligible for Collections Notice.	LJB
01/20/94	Collection Notice Sent to Defendant	LJB
02/04/94	Filed--Collection Notice Post Office Returned.	LJB
02/24/94	Case Sent to Collection Agency	JMO
02/28/94	Case Closed With Guilty	DJR
03/03/94	50% Collection Fees Assessed	ABB
11/01/95	Review set for Charge 1 PRO on 02/04/1994 canceled	JEO
05/17/97	Collection Conversion: Status A Agent Assigned	SYS

\*\*\* End of Docket \*\*\*

This output contains results from the Washington State Courts. Please note:

The Washington State Office of the Administrator for the Courts and the Washington courts do not warrant that the information is accurate or correct and deny liability for any damages resulting from the release or use of the data. In order to assure or verify the accuracy of the information or data received, the customer, client, or other third party should personally consult the 'official' and physical record reposing at the court of record.

\*\*\*\*\* End of Report \*\*\*\*\*

## **CourtLink eAccess Details for \*\* Case: 82606 LWP CN \*\***

Court System: Washington District & Municipal Courts

Date Printed: 3/20/2003 5:53:12 PM

Court: State of Washington -- Lynnwood Municipal Ct

Criminal: Non-Traffic (Lynnwood Police Department)

Judge:

Filed on: 05/03/93

Note:

### **Docket**

<u>Date</u>	<u>Description</u>	<u>Initials</u>
05/03/93	Case Filed on 05/03/1993	DJR
	ARR Set for 05/03/1993 08:30 AM	DJR
	in Room 1 with Judge SLC	DJR
	ARR: Held	DJR
	Proceedings Recorded on Tape No. 93-127	DJR
	Begin-980	DJR
	Stephen L Conroy, Judge	DJR
	Def Present in Custody. Duly Arr. Plea: Guilty to Both Cts	DJR
	Cr/ 1. \$1000/90 SS \$900/90 Both Chgs	DJR
05/03/93	1. Pay Fine in Amt of \$200 + C/A = \$405 Due 8/1/93	DJR
	2. no Criminal Violations	DJR
	3. Forfeit Switchblade to City of Lynnwood	DJR
	4. Court Monitored Probation For 1 Yr.	DJR
	Def Released	DJR
	End- 1082	DJR
	Finding/Judgment of Guilty for Charge 1	EJR
	Finding/Judgment of Guilty for Charge 2	EJR
05/04/93	Accounts Receivable Created 405.00	DJR
	Case Scheduled on Time Pay Agreement 2 for: 405.00	DJR
07/12/93	COMPLIANT Time Pay Statement Sent for Time Pay Agreement 2	SYS
07/28/93	Filed--Compliant Statement Post Office Returned.	LJB
09/13/93	REV Set for 09/28/1993 01:30 PM	LJB
	in Room 1 with Judge SLC	LJB
09/14/93	Notice Issued for REV on 09/28/1993 01:30 PM	LJB
	Summons/Bail Notice Issued	LRW
09/17/93	Case Removed from Time Pay Agreement 456 40096 2	LJB
09/21/93	Filed--Hearing Notice Post Office Returnd.	LJB
09/28/93	REV: Not Held, Wt/FTA Ordered	LJB
	Proceedings Recorded on Tape No. 93-261	LJB
	Def FTA For Review Hearing.	LJB
	Bench Warrant Ordered in The Amount of Fine	LJB
	Plus \$100 Warrant Fee.	LJB
	Cash Bail Only. no Walkin.	LJB
	Bail to be Forfeited For Fine.	LJB
09/30/93	Accounts Receivable Changed to 505.00	LJB
	Authorized by LJB	LJB
	BENCH Warrant Ordered	LJB
09/30/93	Print on or after 09/30/1993	LJB
	Warrant expires on 09/30/1996	LJB
10/04/93	BENCH Warrant Issued for	SYS
	Fail To Appear For Hearing	SYS
	Fail To Pay Fine Or Appear	SYS
	Cash Bail Only	SYS
	Bail: 505.00 + 0.00 Warrant Fee; Total Bail 505.00	SYS

<u>Date</u>	<u>Description</u>	<u>Initials</u>
01/13/94	Warrant Served	DJR
01/14/94	MOT W/H Set for 01/14/1994 08:00 AM	DJR
	in Room 1 with Judge SLC	DJR
	Begin--98	DJR
	Stephen L Conroy, Judge	DJR
	Def Present in Custody	DJR
	Fine Discussed	DJR
01/14/94	Cr/ Court Allows Def Extension to Pay Fine. \$505 Due	DJR
	In Full on 6/1/94	DJR
	Def Released	DJR
	End- 343	DJR
01/17/94	Case Scheduled on Time Pay Agreement 1 for: 505.00	DJR
	Warrant Returned	JMO
05/16/94	COMPLIANT Time Pay Statement Sent for Time Pay Agreement 1	SYS
05/25/94	Time Pay Statement Returned.	JMO
08/10/94	Case Removed from Time Pay Agreement 456 40096 1	BSS
	Case Eligible for Collections Notice.	BSS
08/16/94	Collection Notice Sent to Defendant	LRW
09/20/94	Case Sent to Collection Agency	JMO
09/26/94	50% Collection Fees Assessed	ABB
05/17/97	Collection Conversion: Status A Agent Assigned	SYS

\*\*\* End of Docket \*\*\*

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\*\*\*\*\* End of Report \*\*\*\*\*

## CourtLink eAccess Details for \*\* Case: 93-1-01448-6 \*\*

Court System: Washington Superior Courts

Date Printed: 3/20/2003 5:47:42 PM

Court: State of Washington -- Snohomish County Superior Court

Case: Jeremy J Cleveland - Criminal

Judge:

Filed on: 10/12/1993

Note: J&S Sub#51

### Docket

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
-	10/12/93	Costs Assessed	110.00
1	10/12/93	Information	
		Markov, Johanna Vanderlee	
2	10/12/93	Affidavit/Determin Prob Cause	
3	10/12/93	Omnibus Application of Pros Atty	
4	10/14/93	Summons	
5	10/18/93	Not of Appear And Req For Discovery	
-	10/18/93	Demand For Production of Expert	
		Witness & Proof of Prior Conviction	
		Rose, Allen Patrick	
6	10/19/93	Sheriff's Affidavit/Cert of Mailing	17.00
7	10/20/93	Sheriff's Affidavit/Cert of Mailing	7.00
8	10/27/93	Initial Arraignment	12/03/939
		Omnibus Hearing	
-	10/27/93	Not Guilty Plea Hearing	
		Judge Gerald L Knight	
-	10/27/93	Court Reporter Notes	
9	10/27/93	Order on Personal Recognizance	
10	10/27/93	Notice of Trial Date - 2pm RM #201	01/07/94JT
		Judge Gerald L Knight	
11	12/01/93	Omnibus Application by Defendant	
12	12/03/93	Omnibus Hearing	
		Judge Larry E McKeeman	
-	12/03/93	Court Reporter Notes	
13	12/03/93	Omnibus Order/Agreed	
		3.5 Hearing Noted Below	
		Judge Larry E McKeeman	
14	12/08/93	Note For Calendar	12/16/93SA
		3.5 Hearing	
		Confirmed/Dpa	
15	12/08/93	State's List of Witnesses	
16	12/08/93	Subpoena	
17	12/14/93	Sheriff's Affidavit/Cert of Mailing	7.00
18	12/16/93	Hearing Cancelled: def Atty Request	12/30/93SA
		3.5 Hearing	
		3.5 Hrg: Cont'd Due to Conflict in	
		Representation	
		Judge Thomas J. Wynne	
-	12/16/93	Court Reporter Notes	
19	12/30/93	Ord Authoriz Substitution of Counsl	
		Rose, Allen Patrick	
		Peale, Walter O	
		Judge Kathryn E. Trumbull	
-	12/30/93	Ex-Parte Action With Order	

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
20	12/30/93	Trial Continued: Stipulated 3.5 Hearing Judge Kathryn E. Trumbull	02/17/94SA
-	12/30/93	Court Reporter Notes	
21	12/30/93	Agreed Trial Continuance Judge Kathryn E. Trumbull	03/04/94JT
22	01/05/94	Notice of Withdrawal of Attorney Rose, Allen Patrick	
-	01/07/94	Trial Cancelled: Unknown Party	
23	02/17/94	Note For Calendar 3.5 Hearing Confirmed/Dpa	02/24/94SP
24	02/17/94	Subpoena -2	
25	02/17/94	Hearing Continued: def Atty Request 3.5 Hearing Judge Ronald L Castleberry	02/18/94SA
-	02/17/94	Court Reporter Notes	
26	02/18/94	Hearing Stricken: in Court Other Judge Ronald L Castleberry	
-	02/18/94	Court Reporter Notes	
27	02/22/94	Summons	
28	02/24/94	Exhibit List 3.5 Hrg	
-	02/24/94	Exhibits Received Ttl-2 NH	
29	02/24/94	Summons	
30	02/24/94	Evidentiary Hearing Judge Ronald L Castleberry	
-	02/24/94	Court Reporter Notes	
31	02/24/94	Stipulation to Admissibility Judge Ronald L Castleberry	
32	02/24/94	Agreed Trial Continuance Judge Ronald L Castleberry	04/15/94JT
33	02/25/94	Sheriff's Affidavit/Cert of Mailing	7.00
-	03/04/94	Trial Cancelled: Unknown Party	
34	04/13/94	Subpoena -8	
35	04/15/94	Trial Continued: Stipulated Judge Joseph A Thibodeau	
-	04/15/94	Court Reporter Notes	
36	04/15/94	Agreed Trial Continuance 2pm RM #201 Judge Joseph A Thibodeau	04/29/94JT
37	04/21/94	Return of Service(Law Enforce Dept)	7.00
38	04/21/94	Subpoena / Jury Trial	
39	04/21/94	Return of Service(Law Enforce Dept)	7.00
40	04/21/94	Return of Service(Law Enforce Dept)	7.00
-	04/29/94	Trial Continued: Stipulated	05/06/94JT
41	05/05/94	Subpoena / Jury Trial -3	
42	05/06/94	Return of Service(Law Enforce Dept)	7.00
-	05/06/94	Trial Continued: Stipulated	05/13/94JT
43	05/11/94	Subpoena / Jury Trial	
44	05/11/94	Guilty Plea Only Hearing Judge James H. Allendoerfer	
-	05/11/94	Court Reporter Notes	
45	05/11/94	Statement of Defendant, Plea Guilty	
46	05/11/94	Order Setting Sentencing: 9am JG Castleberry	06/22/94

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
		Dept#1	
-	05/13/94	Judge James H. Allendoerfer	
47	05/18/94	Trial Cancelled: Unknown Party	
		Cost Bill - \$176.00	
		(110.00 Ff)(66.00 Sf)	
48	06/17/94	Notice For WK Release / Elig Notice	
49	06/22/94	Sentencing Hearing	
		Judge Ronald L Castleberry	
-	06/22/94	Court Reporter Notes	
50	06/22/94	Advice of Rights	
		Judge Ronald L Castleberry	
51	06/22/94	Judgment And Sentence	
		Deliver Subst in Lieu of Controlled	
		Subst Max 5 Yrs; Pay Costs,Assessmt	
		& Atty Fees; Suspend Fine; 30 Days	
		Jail W/Credit 1 Day Served & Work	
		Release if Eligible; 12 Mos Commun	
		Supervision	
-	06/22/94	Order of Commitment	
		Judge Ronald L Castleberry	
-	06/22/94	Filing Fee Assessed	110.00
-	06/22/94	Sheriff's Fees Assessed	66.00
-	06/22/94	Penalty Assessed - Crime Victims	100.00
-	06/22/94	Attorney's Fees Assessed	631.00
-	06/22/94	Fines Assessed - (\$1000 Susp)	
-	06/22/94	Total Due: \$907.00	
		(110.00 Fil Fee)(66.00 Sher Fee)	
		(100.00 Cri Vic)(631.00 Atty Fee)	
52	08/04/94	Return on Commitment	
53	06/03/96	Letter And Probation Report	
		Judge Ronald L Castleberry	
-	06/03/96	Ex-Parte Action Without Order	
54	12/16/97	Letter And Probation Report	
		Judge Ronald L Castleberry	
-	12/16/97	Ex-Parte Action Without Order	
55	01/08/98	Ord Determin Probable Cause	
-	01/08/98	Order Dir Issuance of Bench Warrant	
-	01/08/98	Order Setting Court Costs	
-	01/08/98	Order Setting Bail	
		Bail \$1,337 Cash	
		Judge Ronald L Castleberry	
-	01/08/98	Ex-Parte Action With Order	
-	01/08/98	Bench Warrant Issued - Copy Filed	
56	01/08/98	Pet For Ord Revoking/Modify Probatn	
57	01/29/98	Motion Hearing	
		Judge Ronald L Castleberry	
-	01/29/98	Court Reporter Notes	
		Court Reporter Dennis Erickson	
-	01/29/98	Hearing Continued: Unspecified	02/09/98
58	01/29/98	Order Setting Bail	
		Bail \$1,337 Cash Only	
-	01/29/98	Order of Detention	
-	01/29/98	Order For Hearing	02/09/98
		9am, Room 201	
59	01/30/98	Sheriff's Return on Bench Warrant	37.00

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
60	02/02/98	Request For Discovery	
61	02/09/98	Sent. Conditions Violation Hearing Judge Anita L Farris	
-	02/09/98	Court Reporter Notes Court Reporter Nora Starr	
62	02/09/98	Order of Commitment /Temp	
63	02/10/98	Return on Commitment	
64	02/10/98	Order Modifying Judgment & Sentence Impose 12 Days Jail W/Cr For 12days Served Judge Anita L Farris	
65	02/23/98	Notice of Withdrawal of Attorney Jaquette, William Alderman III	
66	07/07/98	Letter And Probation Report Judge Ronald L Castleberry	
-	07/07/98	Ex-Parte Action Without Order	
67	07/23/98	Pet For Ord Revoking/Modify Probatn	
68	07/23/98	Ord Determin Probable Cause	
-	07/23/98	Order Dir Issuance of Bench Warrant	
-	07/23/98	Order Setting Bail Bail \$1,285.00 Cash Only Judge Ronald L Castleberry	
-	07/23/98	Ex-Parte Action With Order	
-	07/23/98	Bench Warrant Issued - Copy Filed	
69	08/14/98	Motion And Affidavit/Declaration Re Quash Warrant	
70	08/14/98	Order Quashing Bench Warrant Judge Ronald L Castleberry	
-	08/14/98	Ex-Parte Action With Order	
71	08/17/98	Sheriff's Return on Bench Warrant	7.00
-	06/20/00	Exhibits Dest Ttl-2 NH See Sub 28	
72	06/20/00	Order Withdrawing Exhibits Judge Ronald L Castleberry	
-	06/20/00	Ex-Parte Action With Order	
73	05/09/01	Letter And Probation Report Judge Ronald L Castleberry	
-	05/09/01	Ex-Parte Action Without Order	
74	06/12/01	Pet For Ord Revoking/Modify Probatn	07/10/01
75	06/12/01	Summons	
76	07/10/01	Motion Hearing Comm Suprv:dfdt FTA/Bw Issued Bail \$1,396.86 Cash Only Judge Anita L Farris	
-	07/10/01	Court Reporter Notes Court Reporter Jodee Meek	
77	07/11/01	Ord Determin Probable Cause	
-	07/11/01	Order Dir Issuance of Bench Warrant	
-	07/11/01	Fines Assessed	100.00
-	07/11/01	Order Setting Bail Bail \$1,396.86 Cash Only Judge Anita L Farris	
-	07/11/01	Bench Warrant Issued - Copy Filed	
78	01/04/02	Sheriff's Return on Bench Warrant	68.00
79	01/04/02	Motion Hearing Judge Gerald L Knight	

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
-	01/04/02	Court Reporter Notes Court Reporter Dennis Erickson	
80	01/04/02	Order Setting Bail Bail \$1,396.86 Cash Only	
-	01/04/02	Order of Detention	
-	01/04/02	Order For Hearing 9:00am Room 201	01/14/02
81	01/14/02	Sent. Conditions Violation Hearing Judge Joseph A Thibodeau	
-	01/14/02	Court Reporter Notes Court Reporter Dennis Erickson	
82	01/14/02	Order of Commitment /Temp	
83	01/15/02	Order Modifying Judgment & Sentence Impose 15 Days Jail W/Cr For 10 Days Served Judge Joseph A Thibodeau	
84	01/23/02	Return on Commitment	

\*\*\* End of Docket \*\*\*

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\*\*\*\*\* End of Report \*\*\*\*\*



## **CourtLink eAccess Details for \*\* Case: 95-1-00521-1 \*\***

Court System: Washington Superior Courts

Date Printed: 3/20/2003 5:49:00 PM

Court: State of Washington -- Snohomish County Superior Court

Case: Jeremy James Cleveland - Criminal

Judge:

Filed on: 04/13/1995

Note: \* J&S Sub#23 \*

### **Docket**

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
-	04/13/95	Costs Assessed	110.00
1	04/13/95	Information Cavagnaro, Joan Treat	
2	04/13/95	Affidavit/Determin Prob Cause	
3	04/13/95	Omnibus Application of Pros Atty	
4	04/13/95	Order Setting Bail Bail \$10,000	
-	04/13/95	Order of Detention Judge Joseph A Thibodeau	
-	04/13/95	Ex-Parte Action With Order	
5	04/14/95	State's List of Witnesses	
6	04/14/95	Initial Arraignment Omnibus Hearing	04/21/959
-	04/14/95	Not Guilty Plea Hearing Judge Joseph A Thibodeau	
-	04/14/95	Court Reporter Notes Court Reporter Dennis Erickson	
7	04/14/95	Order Setting Bail At \$10,000.00	
-	04/14/95	Order of Detention	
8	04/14/95	Order Setting Bail	
9	04/14/95	Notice of Trial Date 2pm RM #201	06/02/95JT
10	04/17/95	Not of Appear And Req For Discovery Shamulka, Bruce Edward	
11	04/18/95	Notice of Desire Not to be Interrogated	
12	04/21/95	Hearing Continued: def Atty Request Omnibus Hearing Judge James H. Allendoerfer	05/04/959
-	04/21/95	Court Reporter Notes Court Reporter Bill Meek	
13	05/04/95	Omnibus Hearing Judge James H. Allendoerfer	
-	05/04/95	Court Reporter Notes Court Reporter Bill Meek	
14	05/04/95	Omnibus Order - Agreed Motion to Disclose Def Witnesses Issues Re: Omnibus Application Confirmed/Dpa (15 Min)	05/18/95SA
15	05/12/95	Guilty Plea Only Hearing Judge David F. Hulbert	
-	05/12/95	Court Reporter Notes Court Reporter Stephanie Norton	

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
16	05/12/95	Notice of Hearing: Plea 3pm	05/12/95
17	05/12/95	Statement of Defendant,Plea Guilty	
18	05/12/95	Order Setting	06/06/95
		Sentencing: 9am JG Hansen Dp#9	
19	05/18/95	Hearing Stricken: in Court Other	
		Judge David F. Hulbert	
-	05/18/95	Court Reporter Notes	
		Court Reporter Stephanie Norton	
20	05/25/95	Cost Bill - \$110.00 FF	
-	06/02/95	Trial Cancelled: Unknown Party	
21	06/06/95	Correspondence	
-	06/06/95	Victim Statement-2	
22	06/07/95	No Contact Order	
		Judge Paul D Hansen	
23	06/07/95	Judgment And Sentence	
-	06/07/95	Order of Commitment	
		Judge Paul D Hansen	
24	06/06/95	Sentencing Hearing	
		Judge Paul D Hansen	
-	06/06/95	Court Reporter Notes	
		Court Reporter Peggy Goshorn	
25	06/06/95	Advice of Rights	
26	06/06/95	Order of Commitment / Temporary	
27	06/13/95	Notification of Felony Conviction	
-	06/13/95	Addendum RE Firearms	
28	06/16/95	Notification of Felony Conviction	
		Sent to Snohomish County Auditor	
29	06/21/95	Ord Establishing Amt of Restitution	
		None Ordered	
		Judge Paul D Hansen	
30	06/28/95	Notice of Withdrawal of Attorney	
		Shamulka, Bruce Edward	
31	10/03/95	Return on Commitment	
32	05/30/96	Letter And Probation Report	
		Judge Paul D Hansen	
-	05/30/96	Ex-Parte Action Without Order	
33	08/08/96	Letter And Probation Report	
		Judge Paul D Hansen	
-	08/08/96	Ex-Parte Action Without Order	
34	12/15/97	Letter And Probation Report	
		Judge Paul D Hansen	
-	12/15/97	Ex-Parte Action Without Order	
35	02/04/98	Pet For Ord Revoking/Modify Probation	
36	02/04/98	Summons	
37	02/24/98	Motion Hearing	
		Prob Hrg;def Fta;bw to Issue;	
		\$1029 Cash Only	
		Judge Charles S. French	
-	02/24/98	Court Reporter Notes	
		Court Reporter Peggy Goshorn	
38	02/25/98	Ord Determin Probable Cause	
-	02/25/98	Order Dir Issuance of Bench Warrant	
-	02/25/98	Order Setting Court Costs	
-	02/25/98	Order Setting Bail	
		Bail \$1,029.00 Cash	

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
-	02/25/98	Judge Charles S. French	
39	07/08/98	Bench Warrant Issued - Copy Filed	
40	07/08/98	Sheriff's Return on Bench Warrant	57.00
-	07/08/98	Motion Hearing	
-	07/08/98	Judge Richard J. Thorpe	
41	07/08/98	Court Reporter Notes	
-	07/08/98	Court Reporter Nora Starr	
42	07/08/98	Order Setting Bail	
-	07/08/98	Bail \$1029 Cash Only	
-	07/08/98	Order of Detention	
-	07/08/98	Order For Hearing	07/13/98
43	07/09/98	9am Room 201	
44	07/09/98	Copy BW Face Page Only	
45	07/09/98	Request For Discovery	
46	07/13/98	Sent. Conditions Violation Hearing	
-	07/13/98	Judge Richard J. Thorpe	
47	07/13/98	Court Reporter Notes	
48	07/13/98	Court Reporter Diana Nishimoto	
49	07/13/98	Order of Commitment - Temp	
50	07/14/98	Order Modifying Judgment & Sentence	
51	07/14/98	Judge Richard J. Thorpe	
52	07/20/98	Return on Commitment	
53	07/27/98	Notice of Withdrawal of Attorney	
54	07/27/98	Jaquette, William Alderman III	
55	05/09/01	Letter And Probation Report	
-	05/09/01	Judge George N. Bowden	
56	05/09/01	Ex-Parte Action Without Order	
57	06/12/01	Pet For Ord Revoking/Modify Probatn	07/10/01
58	06/12/01	Summons	
59	07/10/01	Motion Hearing	
-	07/10/01	Comm Suprv:dfdt FTA/Bw Issued	
60	07/10/01	Bail \$1,152.02 Cash Only	
-	07/10/01	Judge Anita L Farris	
61	07/10/01	Court Reporter Notes	
62	07/10/01	Court Reporter Jodee Meek	
63	07/11/01	Ord Determin Probable Cause	
-	07/11/01	Order Dir Issuance of Bench Warrant	
-	07/11/01	Fines Assessed	100.00
-	07/11/01	Order Setting Bail	
64	07/11/01	Bail \$1,152.02 Cash Only	
-	07/11/01	Judge Anita L Farris	
65	07/11/01	Bench Warrant Issued - Copy Filed	
66	01/04/02	Sheriff's Return on Bench Warrant	68.00
67	01/04/02	Motion Hearing	
-	01/04/02	Judge Gerald L Knight	
68	01/04/02	Court Reporter Notes	
69	01/04/02	Court Reporter Dennis Erickson	
70	01/04/02	Order Setting Bail	
-	01/04/02	Bail \$1,152.02 Cash Only	
-	01/04/02	Order of Detention	
-	01/04/02	Order For Hearing	01/14/02
71	01/14/02	9:00am Room 201	
72	01/14/02	Sent. Conditions Violation Hearing	
-	01/14/02	Judge Joseph A Thibodeau	
73	01/14/02	Court Reporter Notes	

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
58	01/14/02	Court Reporter Dennis Erickson	
59	01/15/02	Order of Commitment /Temp	
		Order Modifying Judgment & Sentence	
		Judge Joseph A Thibodeau	
60	01/24/02	Notification of Felony Conviction	
		Sent to King Co Auditor	
61	01/23/02	Return on Commitment	

\*\*\* End of Docket \*\*\*

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\*\*\*\*\* End of Report \*\*\*\*\*

**CourtLink eAccess Details for \*\* Case: 98C011008 PRS CN \*\***

Court System: Washington District &amp; Municipal Courts

Date Printed: 3/21/2003 8:32:17 AM

Court: State of Washington -- Pierce County District Ct #2

Criminal: Non-Traffic (Pierce County Sheriff)

Judge:

Filed on: 09/18/98

Note:

**Summary**

Defendant: Cleveland, Jeremy James  
Birth Date: 09/10/74  
Address: 818 1/2 3rd St #28  
City,State,Zip: Renton WA 98339  
Violation Date: 09/17/98  
Case Disposition: Transferred  
Jurisdiction: PIE  
Accident: No  
Officer: 95025 Plummer, David

Sex: Male

Amt Due: \$500.00  
Date: 02/10/02

**Names**

<u>Connection / Litigant Name</u>	<u>Begin Date</u>	<u>End Date</u>
Defendant #1 Cleveland, Jeremy James	09/17/98	CLOSED

**Docket**

<u>Date</u>	<u>Description</u>	<u>Initials</u>
09/18/98	Case Filed on 09/18/1998	LAR
	Charge 1 is DV-related	LAR
	Defendant Appeared on Video; Probable Cause Established;	LAR
	Jury Demand Filed by The State; Defendant Ordered to Have	LAR
	No Hostile Contact With Ronald Cleveland. Bail Fixed at	LAR
	\$1000 Cash or Bond	LAR
09/21/98	PTR INCUS Set for 10/06/1998 08:15 AM	LAR
	in Room 1 with Judge TAF	LAR
	DEF 1 CLEVELAND, JEREMY JAMES Represented by:	LAR
	Aty 1 O'Brien, Paul James	LAR
09/28/98	98271100059 Appearance Bond Posted for DEF 1 1,000.00	DMN
	Posted by: EXPRESS BAIL BONDS	DMN
	PTR INCUS on 10/06/1998 08:15 AM	DMN
	in Room 1 with Judge TAF Canceled	DMN
09/28/98	PTR NOTIC Set for 10/06/1998 09:00 AM	DMN
	in Room 1 with Judge TAF	DMN
09/29/98	Notice Issued for PTR NOTIC on 10/06/1998 09:00 AM	LAR
10/06/98	PTR NOTIC: Held	KJS
	State Filed A Written Demand For Discovery & Information;	KJS
	Defense Filed A Notice of Special Defense Under Crrlj 4.7,	KJS
	Motions And Objections to Discovery Demand	KJS
	Dac Notes A Defense of "self Defense"	KJS
10/07/98	PTR READ Set for 12/08/1998 11:00 AM	KJS
	in Room 1 with Judge TAF	KJS

<u>Date</u>	<u>Description</u>	<u>Initials</u>
	JTR Set for 12/17/1998 09:00 AM	KJS
	in Room 1 with Judge TAF	KJS
	Speedy Trial Waiver Filed	KJS
11/18/98	State Filed List of Witnesses For Trial	LAR
11/20/98	Copy of Subpoena Filed, Witness Plummer For 9-17-98.	DMN
	List of Witnesses Filed by Pa's Office.	DMN
12/08/98	PTR READ: Held	KJS
	By Agreed Stipulation The Trial Date Was Continued For The	KJS
	Defense to Review Discovery; Court Ordered no Hostile Contact	KJS
	With Ronald Cleveland; Speedy Trial Waiver Filed	KJS
	JTR on 12/17/1998 09:00 AM	KJS
	in Room 1 with Judge TAF Canceled	KJS
	PTR READ Set for 01/19/1999 11:00 AM	KJS
	in Room 1 with Judge TAF	KJS
	JTR Set for 01/28/1999 09:00 AM	KJS
	in Room 1 with Judge TAF	KJS
12/23/98	Notice of Withdrawal And Substitution of Court Appointed	LAR
	Counsel Filed	LAR
12/23/98	ATY 1 O'BRIEN, PAUL JAMES Withdrw as Atty for:	LAR
	Def 1 Cleveland, Jeremy James	LAR
01/13/99	Subpoena Filed For Deputy Plummer	LAR
01/19/99	Accounts Receivable Created 400.00	TAN
	Collection Status Manually Assigned to SIGNAL CREDIT MGMT SVC	TAN
	Def Present at Counter to Fill Out Paperwork For Signal.	TAN
	Def Present With Atty Comfort. Guilty Plea Entered.	DMN
	Case Heard Before Judge TAF	DMN
	Finding/Judgment of Guilty for Charge 1	DMN
	Total Fine Imposed on Charge 1: 400.00	DMN
	with 0.00 Suspended	DMN
	Court Imposes Jail Time of 365 D on Charge 1	DMN
	with 356 D Suspended	DMN
	Probation : 2 Y	DMN
01/19/99	PRO Review on Charge 1 Set for 01/19/2001	DMN
	No Violations for 1 Year : 2 Y	DMN
	NV1 Review on Charge 1 Set for 12/19/2000	DMN
	Charge 1: Def. complied with Jail Sentence	DMN
	Cc: Copy of Court Order And Police Report Sent to Probation.	DMN
	JTR on 01/28/1999 09:00 AM	DMN
	in Room 1 with Judge TAF Canceled	DMN
	PTR READ: Held	DMN
	No Firearms/Possess Firearms : 2 Y	DMN
	GUN Review on Charge 1 Set for 01/19/2001	DMN
	Work Crew : 7 D	LAR
	WRK Review on Charge 1 Set for 11/20/1999	LAR
	Court Imposes Jail Time of 365 D on Charge 1	KJS
	with 349 D Suspended	KJS
01/19/99	Jail Time Verified : 7 D	KJS
	JTV Review on Charge 1 Set for 04/05/2000	KJS
	Case Review Date Changed to 04/05/2000	KJS
	Jail Time Verified : 3 D	KJS
	JTV Review on Charge 1 Set for 01/07/2000	KJS
	Court Imposes Jail Time of 365 D on Charge 1	KJS
	with 343 D Suspended	KJS
	Case Review Date Changed to 02/26/2000	KJS
	Judge FARROW, THOMAS A Imposed Sentence	LAR

<u>Date</u>	<u>Description</u>	<u>Initials</u>
01/20/99	Imposing Judge Changed to Judge : TRANSFER, JUDGE	DMN
	Cc: Copy of Notice of Ineligibility to to Possess Firearm	DMN
	Sent to Dol.	DMN
	Appearance Bond N5-0247294 Exonerated 1,000.00	DMN
	Bond Mailed Back to Express Bail Bond Inc.	DMN
01/20/99	FBI Prints Sent to Washington State.	DMN
01/29/99	Deft Failed to Sign-Up For Time Payments Thru Signal Credit	BBW
	By Due Date. Case Removed From Signal And Selected For Full	BBW
	Collection Efforts Thru Allied Credit.	BBW
	Case Obligation Removed from Collections	BBW
	Case Obligation Selected for Collections	BBW
	Collections: 1st Notice Prepared	BBW
02/26/99	Case Obligation Assigned to ALLIED CREDIT CO for Collections	BBW
06/15/99	Violation Report Filed by Probation Officer Doug Butcher;	LAR
	Summons to Issue	LAR
	REV VIO Set for 07/07/1999 09:00 AM	LAR
	in Room 1 with Judge TAF	LAR
	Notice Issued for REV VIO on 07/07/1999 09:00 AM	LAR
07/07/99	REV VIO: Held	KJS
07/08/99	Defendant Was Ordered to Return to Court on 8/11/99 With	KJS
	An Alcohol Evaluation so The Court Could Review it	KJS
	Defendant Will Probably be Re-Refered to Probation After	KJS
	His 8/11/99 Hearing	KJS
	REV VIONO Set for 08/11/1999 09:00 AM	KJS
	in Room 1 with Judge TAF	KJS
08/11/99	REV VIONO: Held	KJS
	Case Set Over For Judge Farrow to Hear The Case	KJS
08/13/99	REV VIONO Set for 08/18/1999 09:00 AM	KJS
	in Room 1 with Judge TAF	KJS
08/18/99	REV VIONO: Held	KJS
	Deft Appeared With Dac Slone; State by Dpa. 7 Days Work	LAR
	Crew Imposed. Deft Ordered to Get an Alcohol Evaluation	LAR
	And Bring File by 10-20-99.	LAR
09/20/99	Defendant Failed to Report For His Work Crew Dates	KJS
	BENCH Warrant Ordered	KJS
	Print on or after 09/20/1999	KJS
	Warrant expires on 09/20/2004	KJS
09/21/99	BENCH Warrant Issued for	SYS
	Fail To Comply	SYS
	Cash Bail Only	SYS
	Bail: 1,000.00 + 100.00 Warrant Fee; Total Bail 1,100.00	SYS
10/01/99	Def Phones, Sets Motion to Quash Warrant.	DMN
	OTH WARR Set for 10/20/1999 08:45 AM	DMN
	in Room 1 with Judge TAF	DMN
10/20/99	OTH WARR: Held	KJS
	Warrant Quashed	KJS
	Court Imposed \$100 Swf Costs; The Violation Hearing Was	KJS
10/20/99	Continued For Defendant to Bring in His Alcohol Evaluation &	KJS
	Address His FTA at Work Crew	KJS
10/22/99	Accounts Receivable Changed to 500.00	KJS
	Authorized by KJS	KJS
	REV VIONO Set for 10/27/1999 09:00 AM	KJS
	in Room 1 with Judge TAF	KJS
	Contacted Nicki Allied Credit And Advised Her to Add \$100	KJS
	To The Fine That is Already in Collection	KJS

<u>Date</u>	<u>Description</u>	<u>Initials</u>
10/26/99	Received Addendum Violation Report From PO Butcher. To be Addressed at Hearing Already Set. Warrant Returned	BBW BBW LAR
10/27/99	ATY 1 O'BRIEN, PAUL JAMES Removed REV VIONO: Held	KJS KJS
10/28/99	Court Imposed 7 Days Work Crew And Ordered That he be in	KJS
10/28/99	Alcohol/Dv-Treatment by 11/27/99 Review set for Charge 1 JTV on 04/05/2000 canceled Cc: Copy of Court Order to Probation	KJS KJS KJS
11/30/99	Violation Report Filed by Probation Officer Doug Butcher REV VIO Set for 12/15/1999 09:00 AM in Room 1 with Judge TAF	LAR LAR LAR
12/03/99	Notice Issued for REV VIO on 12/15/1999 09:00 AM Atty Comfort Phoned & Req Cont as he Will be Out of Town on 12/15 - Granted to 12/22 900 - MS to be Mld REV VIO Rescheduled to 12/22/1999 09:00 AM in Room 1 with Judge TAF	LAR AMP AMP AMP AMP
12/07/99	Notice Issued for REV VIO on 12/22/1999 09:00 AM	DMN
12/22/99	REV VIO: Held	KJS
12/22/99	Defendant Present With Atty. Comfort; Court Imposed 3 Days Jail For The Defendant's Failure to be in Treatment; Defendant to be Enrolled & Participating in Treatment (Dv) - Court to Review Case Re: Alcohol Treatment Requirments on 2/16/2000	KJS KJS KJS KJS KJS
12/27/99	Defendant Not Referred to Probation at This Time REV Set for 02/16/2000 09:00 AM in Room 1 with Judge TAF	KJS KJS KJS
01/19/00	Charge 1: Def. complied with Jail Time Verified	LAR
02/08/00	Charge 1: Def. complied with Work Crew	LAR
02/15/00	Report Filed by Federal Way Youth And Family Services	LAR
02/16/00	REV: Held	KJS
02/25/00	Court Imposed A Total of 6 Days in Jail (2 Seperate Report Dates to Jail Were Given For 3 Days Each) Based on The Defendant's Failure to be in Treatment; Defendant to be in Treatment by 4/6/00 or The Court Will Imposed 12 Days; Return Date Set For 4/12/00 - Strike Return Date if Defendant Files Proof of Treatment	KJS KJS KJS KJS KJS KJS KJS
02/25/00	Cc: Copy of Court Order to Probation REV Set for 04/12/2000 09:00 AM in Room 1 with Judge TAF	KJS KJS KJS
03/01/00	Per Check of Jail Records, Deft Fta'd For Jail BENCH Warrant Ordered Print on or after 03/01/2000 Warrant expires on 03/01/2005 Review set for JTV on 02/26/2000 canceled REV on 04/12/2000 09:00 AM in Room 1 with Judge TAF Canceled	LAR LAR LAR LAR LAR LAR LAR
03/01/00	BENCH Warrant Issued for Fail To Comply Cash Bail Only Bail: 1,000.00 + 100.00 Warrant Fee; Total Bail 1,100.00 Friend of Def Present & Adv to Have Def Contact The Court Re: How to Address BW Status	SYS SYS SYS SYS AMP AMP
03/08/00	No Show Return Received From PC Jail	LAR
04/20/00	Compliance Report Filed by Federal Way Youth And Family	LAR



<u>Date</u>	<u>Description</u>	<u>Initials</u>
	Svcs	LAR
05/15/00	Compliance Report Filed by Federal Way Youth And Family Svcs	BBW
	For April	BBW
06/13/00	Rec Non-Compliance Report From Federal Way Youth & Family Svc	DMN
08/16/00	Rec'd A Notice of Intent to Withdraw From Atty. Comfort	KJS
	DEF 1 CLEVELAND, JEREMY JAMES Represented by:	KJS
	Aty 2 Comfort, Howard III	KJS
08/16/00	ATY 2 COMFORT, HOWARD III Wthdrw as Atty for:	KJS
	Def 1 Cleveland, Jeremy James	KJS
11/19/01	Case Obligation Transferred to ALLIANCEONE	WIR
12/10/02	Accounts Receivable Changed to 0.00	DMN
	Authorized by DMN with Adjustment Code: CT	DMN
	Case Obligation Removed from Collections	DMN
	Warrant Recalled	DMN
	Warrant Returned	DMN
	Finding/Judgment of Change of Venue for Charge 1	DMN
	Hearing Judge Changed to Judge : TRANSFER, JUDGE	DMN
	**** Case Transferred to Pd1 ****	DMN
	Case Disposition of TR Entered	DMN
	Case Added to Allianceone Removal List.	DMN

\*\*\* End of Docket \*\*\*

### Violations

<u>Violation</u>	<u>Description</u>	<u>Bail</u>	<u>Plea/Response -- Finding/Judgment</u>
9A.36.041.DV	Dv - Assault 4th D (DV)	\$500.00	Finding/Jdgmnt: Change of Venue 12/10/02

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\*\*\*\*\* End of Report \*\*\*\*\*

*Washington State Bar Association*

Friday, March 21, 2003

**Public**

Member

Sponsor

Help

**WSBA Lawyer Profile**

Member Name	Paul James O'Brien	WSBA Bar #	23187
Law Firm		Admit Date	11/19/1993
Address	949 Market St Ste 334 Tacoma, WA 98402-3696	Status	Active
		Phone	253-798-7068
		Fax	-
		Email	pjmmobrian@yahoo.com

Only active members may practice law in Washington.

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**Public****Member****Sponsor****Help****APP 075**

**INVESTIGATION REPORT**  
**DEPARTMENT OF ASSIGNED COUNSEL**

State v. ARMONDO SHELBY

Cause No.98-1-00715-1

Trial Date: 2-1-99

Charges:AGG. MURDER 1'

Requesting Attorney: THOENIG/PIERSON

Investigator: STORTINI

Specific Purpose of Investigation (i.e., alibi, I.D., General Investigation, etc.)

**--- GENERAL INVESTIGATION**

**Investigation Report:**

8-13-98, I attempted to contact witness/Jennifer Bohlen at her address as listed in police reports. This residence, 4605 E. "R" Street, is her grandmother's residence, and her grandmother informed me that Bohlen now resides with a "male friend" in Kent, Wa. The phone number is (253)859-5341.

8-13-98, I attempted to contact witness/Kevin Cubean at his address as listed in the police reports. The address is 2326 70th Ave W. #26-16, Tacoma. Cubean no longer resides at this address. I spoke with the apartment manager and she said Cubean had stayed at this residence with a Cindy Cowlin and they left a forwarding address of 2418 100th St. Ct. S. #B, Tacoma.

9-8-98, I contacted Danion Singleton in 4-N-B-11 of the Pierce County Jail. Shelby had informed me earlier today that he had recently spoken to Singleton while both were incarcerated together

, and per Shelby, Singleton says he had a previous run-in with victim/Butler.

I spoke to Singleton in an interview room at the Pierce County Jail. Singleton said he is in jail on domestic violence charges and should be released soon. Upon his release he will be residing at 2127 S. "L" Street, Tacoma, Wa., (Phone # 383-3946). He said he has known Armondo Shelby since 1990, but had not seen him over the past year until both were incarcerated together in 5-West of the Pierce County Jail. Singleton said he was aware of Shelby's charges, as he recalled reading about it in the Tacoma News Tribune after the incident occurred. They talked about the case and Shelby mentioned the victim's name and whereabouts of the victim's residence. Singleton believes that the victim in Shelby's case is the same person he (Singleton) had a "run-in" with back in January of this year. Singleton said the person he had a "run-in" with was a short black/male named Tirrell (aka: "T-Dog) and is a member of the B.G.D.'s. Singleton has seen Tirrell on 5 or 6 occasions and on each occasion Tirrell was seen in the area of the Polynesian apartments. Singleton doesn't know anything else about Tirrell such as last name, what state he came from, etc... Singleton said he would be able to identify Tirrell if he was shown a photo montage. Singleton said there was an occasion in January of this year when he and his "home boys" were in a parking lot in the back of the Polynesian apartments when a member of the B.G.D.'s confronted Singleton's brother-in-law and an argument ensued. Singleton said his brother-in-law's name is William, but can't recall his last name. During the argument, Tirrell pulled out a dark colored 9mm

semi-automatic handgun and held the gun at his side as if he was going to intervene on behalf of the B.G.D. Singleton pulled out his handgun, which Tirrell saw, and Tirrell took off running. This is the only confrontation Singleton has had with Tirrell and he has not seen him since.

DEC 29 1998

ROOM 946  
COPY RECEIVED

FILED  
PIERCE COUNTY CLERK'S OFFICE  
DEC 29 1998 P.M.

PIERCE COUNTY, WASHINGTON  
FILED  
PIERCE COUNTY CLERK  
BY

SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

ORIGINAL

STATE OF WASHINGTON,

Plaintiff,

NO. 98-1-00715-1

vs.

LIST OF WITNESSES

ARMONDO T. SHELBY,

Defendant.

The following is a list of the defendant's witnesses:

1. Cordelia Shelby  
1114 E 61st St  
Tacoma WA (472-7768)

6. Additional witnesses as their  
identity and whereabouts become  
known to the defense/defendant

2. Jeff Shelby  
1114 E 61st St  
Tacoma WA (472-7768)

7. Possible expert witnesses, pending  
completion of discovery and review  
of physical (including photographic)  
evidence re: blood spatter, etc.

3. Danielle Griffith  
5421 57th St Crt W #F-9  
Tacoma WA (472-0574)

8. Defendant will update list as  
information becomes available.

4. Lavon Williams  
(846-7299)

5. Danion Singleton  
5 WB 12  
Pierce County Jail

DATED this 29th day of December, 1998.

JANE C. PIERSON  
WSBA #23085

Department of Assigned Counsel

Department of Assigned Counsel  
949 Market Street, Suite 334  
Tacoma, Washington 98402-3696  
Telephone: (253) 798-6062

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2 IN AND FOR THE COUNTY OF PIERCE

3 STATE OF WASHINGTON,

4 Plaintiff,

5 vs.

6 ARMONDO TREMAINE SHELBY,

7 Defendant.

CAUSE NO. 98-1-00715-1

MOTION TO COMPEL DISCOVERY

8  
9 COMES NOW THE STATE, by and through Pierce County Prosecuting  
10 Attorney John W. Ladenburg, or his deputy, and moves the court for an  
11 order compelling the defendant and his/her attorney to provide  
12 discovery to the State as requested below. Because trial is two and a  
13 half weeks away, the State requests the court order the defense to  
14 provide these materials immediately.

15 To date the State has received nothing more than a witness list  
16 comprised of five names and four addresses. The first witness,  
17 Cordelia Shelby, failed to attend an interview arranged by the defense  
18 approximately two months ago. The defense has not arranged another  
19 interview. The State has only in the last few days been able to reach  
20 the second witness, Jeff Shelby, and an interview has been arranged  
21 for 11:00 a.m. on April 7, 1999. Jeff Shelby has indicated that he  
22 would bring his mother, Cordelia Shelby, and that they would like  
23 defense counsel to be present. The State requests the Court order  
24 defense counsel to be present for these interviews.

25 The State has been unable to contact the third witness, Danielle  
26 Griffith. The fourth witness, Lavon Williams, is currently awaiting

27 MOTION TO COMPEL  
28 DISCOVERY - 1

APP 080

trial in Pierce County Superior Court. The final witness, Danion Singleton, is now in prison. He was most recently represented by DAC attorney Jane Pierson. The State has received a witness summary only for Danielle Griffith; we have no idea what any of the other witnesses might say. The state requests the Court order the defense to provide witness summaries and/or opportunities to interview these witnesses.

The State is aware that the defense has had an investigator contacting numerous witnesses. Pursuant to State v. Yates, 111 Wn.2d 793, 765 P.2d 291 (1988), the State requests discovery of any defense notes or tape recordings/transcripts of any interviews of State or defense witnesses.

DATED this 5th day of April, 1999.

JOHN W. LADENBURG  
Prosecuting Attorney

By: Sue L. Sholin, WSBA 21333  
Deputy Prosecuting Attorney

MOTION TO COMPEL  
DISCOVERY - 2

APP 081



April 5, 1999

To: Sue Sholin  
Kate Oliver

From: Jane Pierson

Client/Defendant: Armondo T. Shelby

re: Defense witnesses

As discussed, re: the following potential defense witnesses -

1 - Cordelia Shelby (mother of the defendant)

The defense does not anticipate calling her in the defense case. She may be a rebuttal witness. She may also assert a privilege not to testify.

2 - Danion Singleton

Mr. Singleton is currently in prison. The defense does not anticipate calling him in the defense case, exception - rebuttal potential

3 - LaVon Williams -

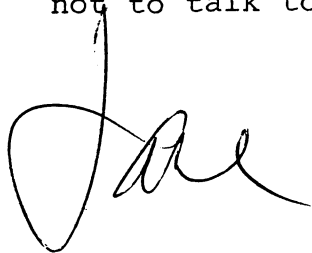
I have asked Mike Stortini to get me a summary of what he had to say so that I may advise you further

4 - Danielle Griffith

I have asked Mike Stortini to get me a summary of what she had to say so that I may advise you further

You told me that you have run the criminal histories on potential defense witnesses, and that you'll get me (or Ray) copies of same. I appreciate the offer, and accept - I look forward to review of those histories.

Please let me know what further information you need. I have not advised any potential defense witness (other than the defendant) not to talk to you or your investigator(s).



# CourtLink eAccess Details for \*\* Case: 98-1-03363-2 \*\*

Court System: Washington Superior Courts

Date Printed: 1/16/2003 2:23:40 PM

Court: State of Washington – Pierce County Superior Court

Case: State of Washington VS Singleton, Danion Leon - Criminal

Judge: 3

Filed on: 08/03/1998

Dob: 05-17-73 B/M

## Summary

Search Name: Singleton, Danion Leon  
Offense: Assltsecdegr  
Judgment#: 98-9-11963-3  
Resolution: Convicted by Jury  
Completion: Judgment/Order/Decree Filed  
Status: Completed/Re-Completed

Appealed: No  
Date: 10/30/98  
Date: 11/10/98  
Date: 11/10/98

## Names

### Connection / Litigant Name

Plaintiff #1  
State of Washington  
Defendant #1  
Singleton, Danion Leon  
Name Code: In 637 27057  
Attorney #1 - Plaintiff/Petitioner #1  
Lund, Kawyne Ann  
Bar# 19614  
Attorney #1 for Defendant #1  
Pierson, Jane C.  
Bar# 23085

## Docket

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
08/03/1998	Information	Public		1763-2627
08/03/1998	Affidavit/Declaration Prob Cause	Public		1763-2631
08/03/1998	Conviction Summary	Public		
08/03/1998	Order to Appear Pretrial Hrg/Conf	Public		
08/03/1998	Order Establishing Cond. of Release	Public		1764-265
08/03/1998	Initial Arraignment	Public		
08/18/1998	Request For Discovery	Public		
08/18/1998	Order Setting Trial Date/Oh	Public		
09/08/1998	Request For Discovery	Public		
09/11/1998	Omnibus Order	Public		
09/18/1998	State S List of Witnesses	Public		
09/23/1998	Return on Subpoena 8	Public		
09/23/1998	Return on Subpoena 2	Public		
09/29/1998	Return on Subpoena 2	Public		
09/30/1998	Affidavit/Declaration of Service	Public		1782-3544
09/30/1998	Ord For Continuance of Trial Date	Public		1782-5003
09/30/1998	Notice of Courtroom Availability	Public		
10/07/1998	Ord For Continuance of Trial Date	Public		

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
10/08/1998	State S List of Witnesses	Public		
10/09/1998	Return on Subpoena 13	Public		
10/09/1998	Return on Subpoena	Public		
10/13/1998	Request For Discovery	Public		
10/13/1998	Request For Discovery	Public		
10/15/1998	Order Dir Issue of Bw-Material Wit	Public		
10/15/1998	Bench Warrant-Material Wit *Quashed	Public		
10/15/1998	Order to Detain Material Witness	Public		1787-1263
10/15/1998	Motion on Admissibility	Public		
10/16/1998	Order Establishing Cond. of Release	Public		1792-923
10/20/1998	Brief in Support	Public		
10/23/1998	Sheriff S Return on A Bench Warrant	Public		1789-3371
10/30/1998	Assigned to Dept 3	Public		
10/30/1998	Order For Hearing Sentencing/Motion	Public		
10/30/1998	Objection / Opposition	Public		
10/30/1998	Motion on Admissibility	Public		
10/30/1998	Case Information Cover Sheet	Public		
10/30/1998	Jury Panel	Public		
10/30/1998	Witness Record	Public		
10/30/1998	Plaintiff S Proposed Instructions	Public		
10/30/1998	Court S Instructions to Jury	Public		1792-3072
10/30/1998	Peremptory Challenge Sheet	Public		1792-925
10/30/1998	Exhibits Received in Vault	Public		
10/30/1998	Jury Trial	Public		
10/30/1998	Verdict I-A Guilty Aslt 4th	Public		1792-1935
10/30/1998	Verdict V-A Guilty Alst 4th	Public		1792-1936
10/30/1998	Verdict Iii-A Guilty Harassment	Public		1792-1937
10/30/1998	Verdict Iv-A Guilty Kidnapping 2nd	Public		1792-1938
10/30/1998	Verdict Special W/Dw no	Public		1792-1939
10/30/1998	Verdict Vi-A Guilty Bribing Witness	Public		1792-1940
10/30/1998	Jury Note	Public		
11/03/1998	Order For Hearing Sentencing	Public		
11/10/1998	Memorandum RE Sentencing	Public		
11/10/1998	Order Setting Trial Date/Oh	Public		
11/10/1998	Jdgmt & Sent & Warrant of Commitmt	Public		1795-1523
11/10/1998	Notice of Collateral Attack	Public		1795-1534
11/10/1998	Jdgmt & Ord Suspnd Sent, Grnt Prob	Public		1795-1535
11/10/1998	Notice of Collateral Attack	Public		1795-1540
11/10/1998	Order Req Blood Tests	Public		1795-1541
11/16/1998	Motion RE Admissibility	Public		
12/01/1998	Hearing Continued: Stipulated	Public		
12/01/1998	Cost Bill	Public		1801-1787
12/08/1998	Omnibus Order	Public		
01/13/1999	State S List of Witnesses	Public		
01/14/1999	Return on Subpoena 12	Public		
01/15/1999	Return on Subpoena	Public		
01/20/1999	Ord For Continuance of Trial Date	Public		
01/21/1999	Trial Continued: Stipulated	Public		
01/27/1999	Trial Continued: Stipulated	Public		
01/27/1999	Order Setting Trial Date /Motion	Public		
01/27/1999	Ord For Continuance of Trial Date	Public		
01/29/1999	State S List of Witnesses	Public		
02/01/1999	Return on Subpoena 4	Public		
02/01/1999	Return on Subpoena 2	Public		
02/08/1999	Cost Bill Defense	Public		

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
02/08/1999	Cost Bill Defense	Public		
2/09/1999	Motion Hearing	Public		
J2/09/1999	Statement of Defendant, Plea Guilty	Public		1829-1434
02/09/1999	Findings of Fact&Conclusions of Law	Public		1829-1588
02/09/1999	Jdgmt & Sent & Warrant of Commitmt	Public		1829-1589
02/09/1999	Notice of Collateral Attack	Public		1829-1600
02/09/1999	Order Req Blood Tests	Public		1829-1601
02/22/1999	Letter From Doc	Public		
03/05/1999	Cost Bill	Public		1837-121
03/08/1999	Order Correcting Judgment & Sent	Public		1838-4915
11/08/1999	Letter From Kenya Singleton	Public		
06/27/2000	Order Correcting Judgment & Sent	Public		2019-4508
08/06/2001	Violation Report	Public		
10/08/2001	Order For Hearing Revocation	Public		
10/12/2001	Order Modifying Sentence	Public		2214-3746
10/12/2001	Motion Hearing	Public		
10/16/2001	Petition	Public		

\*\*\* End of Docket \*\*\*

### Accounting

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
	11/10/98	Jdgmt & Sent & Warrant of Commitmt MicroFilm 1795-1523 ** Count Iv, V **	
	02/09/99	Jdgmt & Sent & Warrant of Commitmt MicroFilm 1829-1589	

### Judgments

<u>Number</u>	<u>Title/Description</u>
98-9-11963-3	State of Washington VS Singleton, DA Leon Type: Criminal - Filed On: 11/10/98 Status: - Date:

### Charges

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	SINGLETON, DANION LEON (Defendant #1)			
Resolution:	10-30-1998 Convicted by Jury			
	** Original Information **			08-03-1998
9A.36.041	Assault 4th Degree	1		08-02-1998
9A.36.021	Assault in The Second Degree	2		08-02-1998
9.94A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
9A.72.110	Intimidating A Witness	3		08-02-1998

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
9A.40.030	Kidnapping 2nd Degree	4		08-02-1998
9A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
9A.36.041	Assault 4th Degree	5		08-02-1998
	** Amended Information **			10-14-1998
9A.36.041	Assault 4th Degree	1		08-02-1998
9A.36.021	Assault in The Second Degree	2		08-02-1998
9.94A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
9A.72.110	Intimidating A Witness	3		08-02-1998
9A.40.030	Kidnapping 2nd Degree	4		08-02-1998
9.94A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
9A.36.041	Assault 4th Degree	5		08-02-1998
9A.72.090	Bribing A Witness	6		09-30-1998
	** Amended Information 2nd **			10-27-1998
9A.36.041	Assault 4th Degree	1		08-02-1998
9A.36.021	Assault in The Second Degree	2		08-02-1998
9.94A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
9A.46.020	Harassment	3		08-02-1998
9A.40.030	Kidnapping 2nd Degree	4		08-02-1998
9.94A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
9A.36.041	Assault 4th Degree	5		08-02-1998
9A.72.090	Bribing A Witness	6		09-30-1998
	Amended by Jury Verdict			10-30-1998
9A.36.041	Assault 4th Degree	1	Guilty	08-02-1998
9A.36.021	Assault in The Second Degree	2		08-02-1998
9.94A.125	Deadly Weapon Special Verdict			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
NOTE	Hung Jury on Count II Only			
9A.36.041	Assault 4th Degree	3	Guilty	08-02-1998
9A.46.020	Harassment	4	Guilty	08-02-1998
9A.40.030	Kidnapping 2nd Degree	5	Guilty	08-02-1998
9A.72.090	Bribing A Witness	6	Guilty	09-30-1998
	** Third Amended Information **			02-09-1999
9A.36.021	Assault in The Second Degree	1	Guilty	08-02-1998
NOTE	Guilty Plea to Count II			

## Sentence

**Sentence Description**

\*\* Sentence Description for (Defendant #1) \*\*

Chrgd Aslt 4th, Aslt 2nd W/Dw, Intimidating A Witness, Kidnapping 2nd W/Dw & Aslt 4th. Amnd to Aslt 4th, Aslt 2nd W/Dw, Intimidating A Witness, Kidnapping 2nd W/Dw, Aslt 4th & Bribing A Witness. 2nd Amnd to Aslt 4th, Aslt 2nd W/Dw, HA Rassment, Kidnapping 2nd W/Dw, Aslt 4th & Bribing A Witness. Amended by Jury

CourtLink eAccess Details for \*\* Case: 98-1-03363-2 \*\*

Verdict to II Cts Aslt 4th, Harassment, Kidnapping 2nd And Bribing A Witness.  
 Convicted by Jury Verdict on 10-30-98 to II Cts Aslt 4th, Harassment,  
 Kidnapping 2nd And Bribing A Witness. Hung Jury on Count II Aslt 2nd W/Dw Only.  
 Sent 11-10-98 on II Cts Aslt 4th, Harassment, Kidnapping 2nd And Bribing A  
 Witness, 365 Days PC Jail Suspended W/Conditions on Cts I, III & IV And 38 Mos  
 Doc CT V & 29 Mos Doc CT VI W/Cred For 101 Days Served & 1 Year Comm Placement  
 Counts I, II & VI Are to Run Consecutive, But Counts V & VI Are to Run  
 Concurrent. Thomas P Larkin, Judge.

Third Amended Information as to Count II (Previous Hung Jury on This Count),  
 Filed 02-09-99, Amending Count II From Aslt 2nd W/Dw to Aslt 2nd. Guilty Plea  
 To Third Amended Information Aslt 2nd CT li. Sent 02-09-99 on Aslt 2nd, 29 Mos  
 Doc on CT II W/Cred For 191 Days Served And 1 Year Comm Placement, This is to  
 Run Concurrent With The Previous Convictions on This Cause Number. Thomas P  
 Larkin, Judge.

Order Correcting J & S Signed 03-08-99, The Defendant is Not Required to  
 Serve 1 Year Comm Placement. Thomas P Larkin, Judge.

\*\* Sentence Description for (Defendant #1) \*\*

Counts I, II & VI Are to Run Consecutive, But Counts V & VI Are to Run  
 Concurrent. Thomas P Larkin, Judge.

Third Amended Information as to Count II (Previous Hung Jury on This Count),  
 Filed 02-09-99, Amending Count II From Aslt 2nd W/Dw to Aslt 2nd. Guilty Plea  
 To Third Amended Information Aslt 2nd CT li. Sent 02-09-99 on Aslt 2nd, 29 Mos  
 Doc on CT II W/Cred For 191 Days Served And 1 Year Comm Placement, This is to  
 Run Concurrent With The Previous Convictions on This Cause Number. Thomas P  
 Larkin, Judge.

Order Correcting J & S Signed 03-08-99, The Defendant is Not Required to  
 Serve 1 Year Comm Placement. Thomas P Larkin, Judge.

Chrgd Aslt 4th, Aslt 2nd W/Dw, Intimidating A Witness, Kidnapping 2nd W/Dw &  
 Aslt 4th. Amnd to Aslt 4th, Aslt 2nd W/Dw, Intimidating A Witness, Kidnapping  
 2nd W/Dw, Aslt 4th & Bribing A Witness. 2nd Amnd to Aslt 4th, Aslt 2nd W/Dw, HA  
 Rassment, Kidnapping 2nd W/Dw, Aslt 4th & Bribing A Witness. Amended by Jury  
 Verdict to II Cts Aslt 4th, Harassment, Kidnapping 2nd And Bribing A Witness.  
 Convicted by Jury Verdict on 10-30-98 to II Cts Aslt 4th, Harassment,  
 Kidnapping 2nd And Bribing A Witness. Hung Jury on Count II Aslt 2nd W/Dw Only.  
 Sent 11-10-98 on II Cts Aslt 4th, Harassment, Kidnapping 2nd And Bribing A  
 Witness, 365 Days PC Jail Suspended W/Conditions on Cts I, III & IV And 38 Mos  
 Doc CT V & 29 Mos Doc CT VI W/Cred For 101 Days Served & 1 Year Comm Placement

### **Other Information**

Sentence for SINGLETON, DANION LEON

Sentence Date: 11/10/1998

Fine: \$500.00

Court Costs: \$110.00

Prison Serve: Yes

Jail Suspended: Yes

Sentence for SINGLETON, DANION LEON

Sentence Date: 11/10/1998

Fine: \$500.00

Court Costs: \$110.00

Prison Serve: Yes

Jail Suspended: Yes

(Defendant #1)

Sentenced By: Thomas P Larkin

Restitution: Not Ass'd

Attorney Fees: \$150.00

Jail Serve: Yes

(Defendant #1)

Sentenced By: Thomas P Larkin

Restitution: Not Ass'd

Attorney Fees: \$150.00

Jail Serve: Yes

1  
2  
3 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
4 **IN AND FOR THE COUNTY OF PIERCE**

5 **STATE OF WASHINGTON,**

**NO. 98-1-03363-2**

6 **Plaintiff,**

7 **vs.**

8 **DANION L SINGLETON**

**LIST OF WITNESSES**

**FILED**  
**IN COUNTY CLERK'S OFFICE**

**A.M. JAN 29 1999 P.M.**

**PIERCE COUNTY, WASHINGTON**  
**TED RUTT, COUNTY CLERK**  
**BY \_\_\_\_\_ DEPUTY**

9 **Defendant(s).**

10 **TO: DANION L SINGLETON, defendant, and**

11 **TO: JANE C. PIERSON, his/her attorney**

12 **The following is a list of witnesses in the above entitled cause for JURY TRIAL on 2/10/1999**

13 **BARBARA R THOMAS**

**J. KRISTOPHERSON**

14 **KENYA NAKISHA SINGLETON**

**LISA DYER-MICKA**

15 **MARK SMITH**

**PAT ASHLEY**

16 **STEPHEN MCCREERY**

**LESA COMMUNICATIONS**  
**INCIDENT #082140170**

17 **BAMBICO, DANILO R.**  
18 **TACOMA POLICE DEPT #439**

**DARLAND, SEAN**  
**TACOMA POLICE DEPT #160**

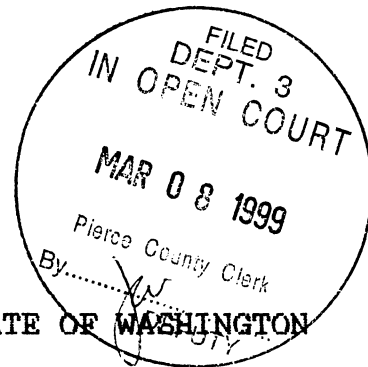
19 **KIRK, JAMES W**  
20 **WASH ST PATROL #022**

**MOORE, SHAWN P.**  
**TACOMA POLICE DEPT #470**

21  
22  
23  
24  
25  
26  
27  
28 **APP 088**

**WITNESS LIST Page 1 of 2**

**Office of Prosecuting Attorney**  
**946 County-City Building**  
**Tacoma, Washington 98402-2171**  
**Telephone: (253) 798 -7400**



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

DANION LEON SINGLETON,

Defendant.

CAUSE NO. 98-1-03363-2

MOTION AND ORDER CORRECTING  
JUDGMENT AND SENTENCE

MAR 11 1999

THIS MATTER coming on regularly for hearing before the above entitled court on the Motion of the Deputy Prosecuting Attorney for Pierce County, Washington, for an order correcting Judgment and Sentence heretofore granted the above named defendant on 02/09/99, pursuant to defendant's plea of guilty to the charge(s) of ASSAULT IN THE SECOND DEGREE, as follows:

1) That Page 6 of the Judgment and Sentence, 4.3 COMMUNITY PLACEMENT reflects "...the defendant is sentenced to community placement for one (1) year...". Since neither community placement or community custody is required under this term of sentence, this requirement should be deleted;

2) That all other terms and conditions of the Judgment and Sentence are to remain in full force and effect as if set forth in full herein; and the court being in all things duly advised, Now, Therefore,

MOTION AND ORDER CORRECTING  
JUDGMENT & SENTENCE -

APP 089



## APPENDIX F

Cause No. 98-1-03363-2

The defendant having been sentenced to the Department of Corrections for a:

           sex offense  
           serious violent offense  
      ✓       assault in the second degree  
           any crime where the defendant or an  
          accomplice was armed with a deadly weapon  
           any felony under 69.50 and 69.52 committed after  
          July 1, 1988 is also sentenced to one (1) year term  
          of community placement on these conditions:

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

\_\_\_\_\_ (I) The offender shall remain within, or outside of, a specified geographical boundary:

\_\_\_\_\_ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals:

\_\_\_\_\_ (III) The offender shall participate in crime-related treatment or counseling services;

\_\_\_\_\_ (IV) The offender shall not consume alcohol;

\_\_\_\_\_ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

\_\_\_\_\_ (VI) The offender shall comply with any crime-related prohibitions.

\_\_\_\_\_ (VII) Other: \_\_\_\_\_

Office of Prosecuting Attorney  
946 County-City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798 -7400

**Office of Prosecuting Attorney  
946 County-City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798 -7400**

**STATE V. ARMONDO SHELBY**  
**INVESTIGATION NOTES**  
**(98-1-00715-1)**

--- **Tony Howard, 3-5-99**

--- Tony is presently housed in the Pierce County Jail.

--- He recently plead to 2 counts of Reckless Endangerment stemming from a drive-by shooting and he will be sentenced later this month to 31 months.

--- Tony says he knows Armondo from the streets and has known him for about two years.

--- Tony said he also knows Jennifer Bohlen. He said Jennifer is friends with his girlfriend, Danielle Griffith, whom I spoke to at an earlier date.

--- Tony claims that 2 or 3 days after the incident, he was in a bedroom at Danielle's apartment when he overheard a conversation between Jennifer and Danielle.

--- Jennifer was discussing the incident with Danielle. Jennifer said that Armondo shot Tirrell Butler in self-defense.

--- Jennifer told Danielle that Tirrell and Armondo were fighting to gain control of a gun and the gun went off and Tirrell got killed.

--- Tony said he has seen Tirrell on a couple of occasions and Tirrell seemed "pretty cool".

--- He never saw Tirrell carry a gun.

--- He saw Tirrell drink alcohol, but is not aware of Tirrell using drugs.

--- He said Jennifer drinks alcohol and smokes "pot".

AM OCT 13 1998 P.M.

PIERCE COUNTY, WASHINGTON  
TED RUTT, COUNTY CLERK  
BY                      DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

TONY D. HOWARD,

Defendant.

NO. 98-1-03448-5

LIST OF WITNESSES

The following is a list of the defendant's witnesses:

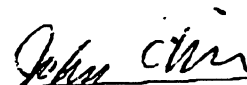
1. Mary Howard  
4416 E. "Q" St.  
Tacoma, WA  
473-3488
2. Annie Will Howard  
4416 E. "Q" St.  
Tacoma, WA  
473-3488
3. Charles Howard  
4416 E. "Q" St.  
Tacoma, WA  
473-3488
4. Michael Howard  
4102 So. 38th St., #B  
Tacoma, WA  
272-4790
5. Tonya Helvey  
15411 - 75th Ave. Ct. E.  
Puyallup, WA 98373  
531-9083
6. Love Lee Scott  
c/o Pierce County Jail  
Atty: J. Rodney DeGeorge
7. Forrest Thompson  
14716 Portland Ave. S.W.  
Lakewood, WA 98498

APP 093

Department of Assigned Counsel  
949 Market Street, Suite 334  
Tacoma, Washington 98402-3696  
Telephone: (253) 798-6062

8. Carrie Howard  
4102 So. 38th St., #B  
Tacoma, WA  
272-4790

DATED this 12. day of October, 1998.

  
JOHN D. CHIN  
WSBA #7160  
Department of Assigned Counsel

APP 094

Department of Assigned Counsel  
949 Marker Street, Suite 334  
Tacoma, Washington 98402-3696  
Telephone: (253) 798-6062

## CourtLink eAccess Details for \*\* Case: 98-1-03448-5 \*\*

Court System: Washington Superior Courts

Date Printed: 3/19/2003 10:10:56 AM

Court: State of Washington -- Pierce County Superior Court

Case: State of Washington VS Howard, Tony Deneil      \*\*Cod\*\* - Criminal

Judge: 6

Filed on: 08/10/1998

Dob: 01-24-79 B/M

### Summary

Search Name: Howard, Tony Deneil

Offense: Drivebyshoot

Judgment#: 99-9-03923-9

Resolution: Guilty Plea

Completion: Judgment/Order/Decree Filed

Status: Completed/Re-Completed

Appealed: No

Date: 03/03/99

Date: 04/15/99

Date: 04/15/99

### Names

#### Connection / Litigant Name

Plaintiff #1

State of Washington

Defendant #1

Howard, Tony Deneil

Name Code: In 314 62832

Also Known As

Fears, Anthony D

Name Code: In J00 A1735

Unknown Code "COD"

Scott, Lovr 98-1-03447-7

Attorney #1 - Plaintiff/Petitioner #1

Lund, Kawyne Ann

Bar# 19614

Attorney #1 for Defendant #1

Chin, John David

Bar# 07160

### Docket

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
08/10/1998	information	Public		1766-1244
08/10/1998	affidavit/Declaration Prob Cause	Public		1766-1249
08/10/1998	statement of Arresting Officer	Public		1766-1527
08/10/1998	information/Indigency Report	Public		
08/10/1998	conviction Summary	Public		
08/10/1998	order to Appear Pretrial Hrg/Conf	Public		
08/10/1998	order Establishing Cond. of Release	Public		1766-3078
08/10/1998	initial Arraignment	Public		
08/18/1998	order Setting Trial Date/Oh	Public		
08/20/1998	request For Discovery	Public		
09/08/1998	order For Hearing Omnibus	Public		
09/09/1998	omnibus Order	Public		
09/28/1998	waiver of Speedy Trial	Public		

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
09/28/1998	ord For Continuance of Trial Date	Public		
10/13/1998	defendant S List of Witnesses	Public		
10/20/1998	request For Discovery	Public		
11/02/1998	ord For Continuance of Trial Date	Public		
11/02/1998	motion Hearing	Public		
11/12/1998	order For Hearing Motion	Public		
11/19/1998	state S List of Witnesses	Public		
11/23/1998	trial Continued: Stipulated	Public		
11/23/1998	return on Subpoena 6	Public		
11/23/1998	return on Subpoena	Public		
11/23/1998	ord For Continuance of Trial Date	Public		
11/23/1998	waiver of Speedy Trial	Public		
11/23/1998	assigned to Dept 16	Public		
11/23/1998	ord Consolidating Cases*Trial Only*	Public		1800-1696
11/24/1998	return on Subpoena 3	Public		
12/10/1998	order For Hearing Bail	Public		
12/17/1998	order Establishing Cond. of Release	Public		1808-426
12/17/1998	motion Hearing	Public		
01/25/1999	state S List of Witnesses	Public		
02/17/1999	assigned to Dept 8	Public		
02/17/1999	ord For Continuance of Trial Date	Public		
02/24/1999	ord For Continuance of Trial Date	Public		
02/24/1999	assigned to Dept 19	Public		
02/24/1999	trial Continued: Stipulated	Public		
03/03/1999	assigned to Dept 6	Public		
03/03/1999	statement of Prosecuting Attorney	Public		1835-2271
03/03/1999	statement of Defendant,Plea Guilty	Public		1835-2273
03/03/1999	guilty Plea Only Hearing	Public		
03/03/1999	presentence Investigation Order	Public		1835-4858
03/03/1999	order Establishing Cond. of Release	Public		1835-4859
03/24/1999	pre-Sentencing Investigation Report	Public		1843-2367
03/24/1999	presentence Investigation Order	Public		1843-2372
04/15/1999	jdgmt & Sent & Warrant of Commitmt	Public		1852-3930
04/15/1999	notice of Collateral Attack	Public		1852-3940
04/15/1999	order For Hearing Restitution	Public		
04/15/1999	sentencing Hearing	Public		
05/13/1999	order For Hearing Rest	Public		
05/18/1999	ord of Transfer From Inst to Jail	Public		1870-2656
06/03/1999	order Setting Restitution/Disbursmt	Public		1877-5133
06/03/1999	motion Hearing	Public		
04/05/2002	petition For Hearing	Public	5	
04/05/2002	order Directing Issuance of Bench Warrant	Public	1	
04/05/2002	bench Warrant	Public	1	
04/25/2002	order Modifying Sentence	Public	2	
05/02/2002	sheriff's Return on BW	Public	1	

\*\*\* End of Docket \*\*\*

## Accounting

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
	04/15/99	Jdgmt & Sent & Warrant of Commitmt	
		MicroFilm 1852-3930	
	06/03/99	Restitution Assessed Joint & Sev	3315.49

**Judgments**

<u>Number</u>	<u>Title/Description</u>	
99-9-03923-9	State of Washington VS Howard, Tony II Type: Criminal - Filed On: 04/15/99 Status: - Date:	**Cod**

**Charges**

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	HOWARD, TONY DENEIL (Defendant #1)			
Resolution:	03-03-1999 Guilty Plea			
	<b>** Original Information **</b>			08-10-1998
9A.36.045	Drive-By Shooting	1		07-20-1998
9A.08.020	Liability For Another's Conduct			
9A.36.045	Drive-By Shooting	2		07-20-1998
9A.08.020	Liability For Another's Conduct			
9A.36.045	Drive-By Shooting	3		07-20-1998
9A.08.020	Liability For Another's Conduct			
9A.36.045	Drive-By Shooting	4		07-20-1998
9A.08.020	Liability For Another's Conduct			
9A.36.045	Drive-By Shooting	5		07-20-1998
9A.08.020	Liability For Another's Conduct			
9A.36.045	Drive-By Shooting	6		07-20-1998
9A.08.020	Liability For Another's Conduct			
	<b>** Current Information **</b>			03-03-1999
9A.36.045	Drive-By Shooting	1	Guilty	07-20-1998
9A.36.045	Drive-By Shooting	2	Guilty	07-20-1998

**Sentence*****Sentence Description*****\*\* Sentence Description for (Defendant #1) \*\***

Chrgd VI Cts Drive-By Shooting W/Liability For Anothers Conduct. Amnd to II Cts Drive-By Shooting. Guilty Plea to Amnd. Sent 04-15-99 on II Cts Drive-By Shooti Ng, 41 Mos Doc CT I And 41 Mos Doc CT II, Concurrent W/Cred For 242 Days Served Rosanne Buckner, Judge.

**\*\* No Sentence Description for (Defendant #1) \*\***

Chrgd VI Cts Drive-By Shooting W/Liability For Anothers Conduct. Amnd to II Cts Drive-By Shooting. Guilty Plea to Amnd. Sent 04-15-99 on II Cts Drive-By Shooti Ng, 41 Mos Doc CT I And 41 Mos Doc CT II, Concurrent W/Cred For 242 Days Served Rosanne Buckner, Judge.

***Other Information***

Sentence for HOWARD, TONY DENEIL	(Defendant #1)
Sentence Date: 04/15/1999	Sentenced By: Rosanne Buckner
Fine: \$500.00	Restitution: \$3,315.49
Court Costs: \$110.00	Attorney Fees: \$100.00
Prison Serve: Yes	Jail Serve: Yes
Sentence for HOWARD, TONY DENEIL	(Defendant #1)



Sentence Date: 04/15/1999  
Fine: \$500.00  
Court Costs: \$110.00  
Prison Serve: Yes

Sentenced By: Rosanne Buckner  
Restitution: \$3,315.49  
Attorney Fees: \$100.00  
Jail Serve: Yes

This output contains results from the Washington State Courts. Please note:

The Washington State Office of the Administrator for the Courts and the Washington courts do not warrant that the information is accurate or correct and deny liability for any damages resulting from the release or use of the data. In order to assure or verify the accuracy of the information or data received, the customer, client, or other third party should personally consult the 'official' and physical record reposing at the court of record.

\*\*\*\*\* End of Report \*\*\*\*\*

## CourtLink eAccess Details for \*\* Case: 97-8-01673-5 \*\*

Court System: Washington Superior Courts

Date Printed: 4/18/2003 11:17:28 AM

Court: State of Washington -- Pierce County Superior Court

Case: State VS Jennifer B. Bohlen - Juvenile Offender

Judge:

Filed on: 06/17/1997

Note: 053076 R040

### Summary

Judgment: No  
Status: Active

Date: 06/17/97

### Names

#### Connection / Litigant Name

Plaintiff #1

State of Washington

Defendant #1 on 03/27/80

Bohlen, Jennifer Bethany 053076 R040

### Docket

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
	06/16/97	Declaration Determ Prob Cause	
	06/16/97	Information	
	06/16/97	Summons	

\*\*\* End of Docket \*\*\*

### Accounting

No Accounting Information Available for This Case

### Judgments

No Judgments Information Available for This Case

### Charges

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	BOHLEN, JENNIFER BETHANY (Defendant #1)			
	** Origina Information **			06-16-1997
9A.56.050	Theft 3rd Degree	1		02-08-1997
9A.56.020	Theft--Definition/Defense			

## Sentence

### ***Sentence Description***

\*\* Sentence Description for (Defendant #1) \*\*

Stip, Mot, & Ord of Dismissal & Remand to Diversion.

\*\* No Sentence Description for (Defendant #1) \*\*

Stip, Mot, & Ord of Dismissal & Remand to Diversion.

### ***Other Information***

Sentence for BOHLEN, JENNIFER BETHANY

(Defendant #1)

Sentence Date: 08/27/1997

Sentenced By: Johnson

Sentence for BOHLEN, JENNIFER BETHANY

(Defendant #1)

Sentence Date: 08/27/1997

Sentenced By: Johnson

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In order to assure or verify the accuracy of the information or data received, the customer, client, or other third party should personally consult the 'official' and physical record reposing at the court of record.

\*\*\*\*\* End of Report \*\*\*\*\*

## CourtLink eAccess Details for \*\* Case: CR0037077 TAP CT \*\*

Court System: Washington District & Municipal Courts

Date Printed: 4/18/2003 11:21:42 AM

Court: State of Washington -- Tacoma Municipal Ct

Criminal: Traffic (Tacoma Police Department)

Judge:

Filed on: 01/08/98

Note:

### Summary

Search Name:	Bohlen, Jennifer Bethany		
Defendant:	Bohlen, Jennifer Bethany		
Birth Date:	03/27/80	Sex:	Female
Address:	4605 E R St		
City,State,Zip:	Tacoma WA 98404		
Violation Date:	01/07/98	Amt Due:	\$100.00
Orig Agency No:	980071088	Jurisdiction:	TAC
Accident:	No		
Officer:	04133 Hill, John P		

### Names

<u>Connection / Litigant Name</u>	<u>Begin Date</u>	<u>End Date</u>
Defendant #1 Bohlen, Jennifer Bethany	01/07/98	

### Docket

<u>Date</u>	<u>Description</u>	<u>Initials</u>
01/08/98	Case Filed on 01/08/1998	SAH
01/08/98	Loc: 6th Ave And Lawrence at 2155 Hrs. Veh: 77 Chev 348evt	SAH
01/29/98	ADMINISTRATIVE Warrant Ordered	SKG
	Print on or after 01/29/1998	SKG
	Warrant expires on 01/29/2003	SKG
	FTA Ordered	SKG
	FTA Issued, Amount Due 100.00	EMH
	ADMINISTRATIVE Warrant Issued for	SYS
	Fail To Pay Fine Or Appear	SYS
	Bail: 100.00 + 100.00 Warrant Fee; Total Bail 200.00	SYS
06/05/98	Warrant Served	JLS
06/08/98	Bw Blotter 98156094 6/5/98 Deft Arrested on BW For FTA	JLS
	FTA Adjudicated: Court Appearance Scheduled	JLS
	ARR NPRNT Set for 06/10/1998 02:00 PM	JLS
	in Room 4 with Judge DHB	JLS
06/09/98	Warrant Returned	PLS
06/10/98	98161100463 Appearance Bond Posted for DEF 1 200.00	NLA
	Posted by: C J JOHNSON BAIL BONDS	NLA
	Bond Posted 6-5-98. Jail Rcpt#15306	NLA
	Accounts Receivable Created 200.00	SDP
	ARR NPRNT: Held	LAL
	Proceedings Recorded on Tape No. T1-2095	LAL
	Case Heard Before Judge PRO	DJD
	Defendant Arraigned on Charge 1	DJD

<u>Date</u>	<u>Description</u>	<u>Initials</u>
	Plea/Response of Not Guilty Entered on Charge 1	DJD
	Finding/Judgment of Guilty for Charge 1	DJD
	Total Fine Imposed on Charge 1: 200.00	DJD
	with 0.00 Suspended	DJD
06/10/98	Court Imposes Jail Time of 90 D on Charge 1	DJD
	with 90 D Suspended	DJD
	Defendant in Court. Stip to Facts. Guilty/\$200. 90/90.	DJD
	Lab/Nsi. Pro Tem Cena.	DJD
06/11/98	Charge 1: Def. complied with Jail Sentence	DJD
06/16/98	Case Scheduled on Time Pay Agreement 1 for: 350.00	DJD
	Appearance Bond 004666MC Exonerated 200.00	DJD
08/28/98	Case Removed from Time Pay Agreement 455 93841 1	SRH
09/22/98	Case Obligation Selected for Collections	SRH
09/25/98	Collections: 1st Notice Prepared	SRH
11/02/98	Case Obligation Assigned to PACIFIC NORTHWEST COLLECTIONS for Collections	SRH
02/04/00	Case Obligation Transferred to OSI COLLECTION SERVICES INC	SRH

\*\*\* End of Docket \*\*\*

### Violations

<u>Violation</u>	<u>Description</u>	<u>Bail</u>	<u>Plea/Response -- Finding/Judgment</u>
46.61.020	Refuse to Give Inf	\$100.00	Plea/Response: Not Guilty 06/10/98 Finding/Jdgmnt: Guilty 06/10/98

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\*\*\*\*\* End of Report \*\*\*\*\*

## CourtLink eAccess Details for \*\* Case: CR0016250 TAP CT \*\*

Court System: Washington District & Municipal Courts

Date Printed: 4/18/2003 11:25:24 AM

Court: State of Washington -- Tacoma Municipal Ct

Criminal: Traffic (Tacoma Police Department)

Judge:

Filed on: 11/25/96

Note:

### Summary

Search Name:	Bohlen, Jennifer Bethany		
Defendant:	Bohlen, Jennifer Bethany		
Birth Date:	03/27/80	Sex:	Female
Address:	4605 E R St		
City,State,Zip:	Tacoma WA 98404		
Violation Date:	11/23/96	Amt Due:	\$500.00
Orig Agency No:	963280851	Jurisdiction:	TAC
Accident:	No		
Officer:	32855 Griffith, Timothy		

### Names

<u>Connection / Litigant Name</u>	<u>Begin Date</u>	<u>End Date</u>
Defendant #1 Bohlen, Jennifer Bethany	11/23/96	

### Docket

<u>Date</u>	<u>Description</u>	<u>Initials</u>
11/25/96	Case Filed on 11/25/1996	LMN
11/26/96	Loc: 6400 Pacific at 1915 Hrs. Veh; 82 Bui 143gbl	LMN
12/17/96	ADMINISTRATIVE Warrant Ordered	JDJ
	Print on or after 12/17/1996	JDJ
	Warrant expires on 12/17/2001	JDJ
	FTA Ordered	JDJ
	FTA Issued, Amount Due 500.00	SKH
	ADMINISTRATIVE Warrant Issued for	SYS
	Fail To Pay Fine Or Appear	SYS
	Bail: 500.00 + 100.00 Warrant Fee; Total Bail 600.00	SYS
06/05/98	Warrant Served	JLS
06/08/98	Bw Blotter 98156094 6/5/98 Deft Arrested on BW For FTA	JLS
	FTA Adjudicated: Court Appearance Scheduled	JLS
	ARR NPRNT Set for 06/10/1998 02:00 PM	JLS
	in Room 4 with Judge DHB	JLS
06/09/98	Warrant Returned	PLS
06/10/98	98161100467 Appearance Bond Posted for DEF 1 600.00	NLA
	Posted by: C J JOHNSON BAIL BONDS	NLA
	Bond Posted 6-5-98. Jail Rcpt#15306	NLA
	Accounts Receivable Created 150.00	SDP
	ARR NPRNT: Held	LAL
	Proceedings Recorded on Tape No. T1-2095	LAL
	Case Heard Before Judge PRO	DJD
	Defendant Arraigned on Charge 1	DJD

<u>Date</u>	<u>Description</u>	<u>Initials</u>
	Plea/Response of Not Guilty Entered on Charge 1	DJD
	Finding/Judgment of Guilty for Charge 1	DJD
	Total Fine Imposed on Charge 1: 150.00	DJD
	with 0.00 Suspended	DJD
06/10/98	Court Imposes Jail Time of 90 D on Charge 1	DJD
	with 90 D Suspended	DJD
	Defendant in Court. Stip to Facts. Guilty/\$150. 90/90.	DJD
	Do Not Drive Without Valid License And Insurance.	DJD
	Lab/Nsi. Pro Tem Cena.	DJD
06/16/98	Charge 1: Def. complied with Jail Sentence	DJD
	Case Scheduled on Time Pay Agreement 1 for: 350.00	DJD
	Appearance Bond 004666MC Exonerated 600.00	DJD
08/28/98	Case Removed from Time Pay Agreement 455 93841 1	SRH
09/22/98	Case Obligation Selected for Collections	SRH
09/25/98	Collections: 1st Notice Prepared	SRH
11/02/98	Case Obligation Assigned to PACIFIC NORTHWEST COLLECTIONS for	SRH
	Collections	SRH
02/04/00	Case Obligation Transferred to OSI COLLECTION SERVICES INC	SRH

\*\*\* End of Docket \*\*\*

## Violations

<u>Violation</u>	<u>Description</u>	<u>Bail</u>	<u>Plea/Response -- Finding/Judgment</u>
46.20.342.3	DWLS 3rd Degree	\$500.00	Plea/Response: Not Guilty 06/10/98 Finding/Jdgmnt: Guilty 06/10/98

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\*\*\*\*\* End of Report \*\*\*\*\*

## CourtLink eAccess Search Results For bohlen, jennifer

Date Printed: 4/18/2003 11:21:56 AM

Sorted by: Participant Name

Search Criteria: bohlen, jennifer in Pierce Co Municipal Ct -  
Tacoma (WA) - Non-Civil - Matching Records: 7

Note: An asterisk "\*" indicates an archived case

<u>Participant Name</u>	<u>Case Number</u>	<u>Date Filed</u>	<u>Description</u>	<u>Location</u>	<u>Misc</u>
Bohlen, Jennifer Bethany	01-2-00915-5		Superior Ct - Civil	Pierce Co Superior Ct (WA)	PET 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					
Bohlen, Jennifer Bethany	97-8-01673-5		Superior Ct - Juvenile Offender	Pierce Co Superior Ct (WA)	DEF 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					
Bohlen, Jennifer Bethany	98-2-11965-4		Superior Ct - Civil	Pierce Co Superior Ct (WA)	PET 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					
Bohlen, Jennifer Bethany	CR0016250 TAP CT	11/23/96	Criminal: Traffic	Tacoma Municipal Ct (WA)	DEF 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					
Bohlen, Jennifer Bethany	»CR0037077 TAP CT	01/07/98	Criminal: Traffic	Tacoma Municipal Ct (WA)	DEF 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					
Bohlen, Jennifer Bethany	CR0054315 TAP CT	03/27/00	Criminal: Traffic	Tacoma Municipal Ct (WA)	DEF 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					
Bohlen, Jennifer Bethany	IN0040005 TAP IT	11/23/96	Infraction: Traffic	Tacoma Municipal Ct (WA)	DEF 01
Birth Date: 03/27/80					
Sex: Female Race: Black					
Height: 5 8 Weight: 210					

Search Complete - Matching Records (w/o duplicates): 7



## CourtLink eAccess Details for \*\* Case: 95-8-01674-7 \*\*

Court System: Washington Superior Courts

Date Printed: 3/20/2003 6:44:40 PM

Court: State of Washington -- Pierce County Superior Court

Case: State VS Daniel Lee Griffith - Juvenile Offender

Judge:

Filed on: 09/01/1995

Note: 311071 Ro30

### Summary

Judgment:

No

Status:

Active

Date:

09/01/95

### Docket

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
	09/01/95	Affidavit/Determin Prob Cause	
	09/01/95	Information	
	09/01/95	Summons	
	09/14/95	Initial Arraignment	
		FTA	
	09/20/95	Summons	
	10/03/95	Initial Arraignment	
		FTA	
	10/03/95	Motion & Affidavit Bench Warrant	
	10/03/95	Order Dir Issuance of Bench Warrant	
	10/04/95	Bench Warrant	
	08/29/96	Order Quashing Bench Warrant	
	09/04/96	Initial Arraignment	
		FTA	
	09/05/96	Motion & Affidavit Bench Warrant	
	09/05/96	Order Dir Issuance of Bench Warrant	
	09/05/96	Bench Warrant	
	11/27/96	Initial Arraignment	
	11/27/96	Order of Detention	
	11/27/96	Order Setting Ptc 12-03-96	
		Judge Rosanne Buckner	
	12/04/96	Order Setting P/S 12-18-96	
	12/19/96	Account(S) Receivable Created	
	05/05/00	Judgment - Juvenile Lfo	

\*\*\* End of Docket \*\*\*

### Charges

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	GRIFFITH, DANIEL LEE (Defendant #1)			
	** Original Information **			09-01-1995
9A.56.150	Possess Stolen Property 1st Degree	1		07-11-1995
9A.48.080	Malicious Mischief 2nd Degree	2		07-11-1995

**Sentence*****Sentence Description*****\*\* Sentence Description for (Defendant #1) \*\***3 Mos Comm Supervision. 24 Hrs Comm Service W/Credit For Time Served. 4 Days  
Detention W/Credit For 4 Days Served.

\$ra 227.49

**\*\* No Sentence Description for (Defendant #1) \*\***3 Mos Comm Supervision. 24 Hrs Comm Service W/Credit For Time Served. 4 Days  
Detention W/Credit For 4 Days Served.

\$ra 227.49

***Other Information***

Sentence for GRIFFITH, DANIEL LEE

Sentence Date: 12/18/1996

Restitution: \$227.49

Detention: Yes

Sentence for GRIFFITH, DANIEL LEE

Sentence Date: 12/18/1996

Restitution: \$227.49

Detention: Yes

(Defendant #1)

Sentenced By: Hogan

Community Supervision: Yes

(Defendant #1)

Sentenced By: Hogan

Community Supervision: Yes

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\*\*\*\*\* End of Report \*\*\*\*\*

## **CourtLink eAccess Details for \*\* Case: 96-8-01957-4 \*\***

Court System: Washington Superior Courts

Date Printed: 3/20/2003 6:40:40 PM

Court: State of Washington -- Pierce County Superior Court

Case: State VS Daniel Lee Griffith - Juvenile Offender

Judge:

Filed on: 08/14/1996

Note: 311071 R040

### **Summary**

Judgment:	No	Date:	12/18/96
Resolution:	Guilty Plea	Date:	12/18/96
Completion:	Judgment/Order/Decree Filed	Date:	12/18/96
Status:	Completed/Re-Completed		
OffLine:	Date: 11/16/01 Fiche/Film:		

### **Charges**

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	GRIFFITH, DANIEL LEE (Defendant #1)			
	** Original Information **			08-14-1996
9A.48.090	Malicious Mischief 3rd Degree	1		05-11-1996

### **Sentence**

#### ***Sentence Description***

\*\* Sentence Description for (Defendant #1) \*\*

3 Mos Comm Supervision. 8 Hrs Comm Service W/Credit For Time Served.

\$ra 75.00

\*\* No Sentence Description for (Defendant #1) \*\*

3 Mos Comm Supervision. 8 Hrs Comm Service W/Credit For Time Served.

\$ra 75.00

#### ***Other Information***

Sentence for GRIFFITH, DANIEL LEE	(Defendant #1)
Sentence Date: 12/18/1996	Sentenced By: Hogan
Restitution: \$75.00	Community Supervision: Yes
Sentence for GRIFFITH, DANIEL LEE	(Defendant #1)
Sentence Date: 12/18/1996	Sentenced By: Hogan
Restitution: \$75.00	Community Supervision: Yes

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\*\*\*\*\* End of Report \*\*\*\*\*

## **CourtLink eAccess Details for \*\* Case: 96-8-02896-4 \*\***

Court System: Washington Superior Courts

Date Printed: 3/20/2003 6:42:40 PM

Court: State of Washington -- Pierce County Superior Court

Case: State VS Daniel Lee Griffith - Juvenile Offender

Judge:

Filed on: 11/27/1996

Note: 311071 R050

### **Summary**

Judgment:	No		
Resolution:	Guilty Plea	Date:	12/18/96
Completion:	Judgment/Order/Decree Filed	Date:	12/18/96
Status:	Completed/Re-Completed	Date:	12/18/96
OffLine:	Date: 11/16/01 Fiche/Film:		

### **Charges**

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	GRIFFITH, DANIEL LEE (Defendant #1)			
	** Original Information **			11-27-1996
9A.56.150	Possess Stolen Property 1st Degre	1		11-26-1996
9A.56.140	Possess Stolen Property--Defined			

### **Sentence**

#### ***Sentence Description***

**\*\* Sentence Description for (Defendant #1) \*\***

3 Mos Comm Supervision. 24 Hrs Comm Service W/Credit For 24 Hrs Served. 4 Days

Detention W/Credit For 10 Days Served.

\$ra 150.00

**\*\* No Sentence Description for (Defendant #1) \*\***

3 Mos Comm Supervision. 24 Hrs Comm Service W/Credit For 24 Hrs Served. 4 Days

Detention W/Credit For 10 Days Served.

\$ra 150.00

#### ***Other Information***

Sentence for GRIFFITH, DANIEL LEE

Sentence Date: 12/18/1996

Restitution: \$150.00

Detention: Yes

(Defendant #1)

Sentenced By: Hogan

Community Supervision: Yes

Sentence for GRIFFITH, DANIEL LEE

Sentence Date: 12/18/1996

Restitution: \$150.00

Detention: Yes

(Defendant #1)

Sentenced By: Hogan

Community Supervision: Yes

VICTIM/ SUBJECT OF ORIGINAL REPORT	NAME: LAST <b>BUTLER</b>	FIRST <b>TIPRELL</b>	HOMICIDE		PHONE		
	ADDRESS: STREET	CITY	STATE	ZIP			
CASE STATUS	Property [ ] Recovered	Partial [ ] Recovery	No Further Inv. [ ] Pending New Leads	Investigation To [ ] Be Continued	Cleared [ ] Unfounded	Cleared [ ] Exceptional	Cleared [ ] With Arrest
	RELATED CASE NUMBERS						

131029

CODE: A (Arrest) S (Suspect) SV (Suspect Verified) R (Runaway) W (Witness) O (Other) I (Institutional Impact)								
PERSON NO. 1	Code	NAME: Last		First	Middle (Maiden)		Home Phone	Business Phone
	W	<b>CUBEAN</b>		<b>KEVIN</b>				
	ADDRESS: Street		City	State	Zip	Occupation	Place of Employment/School	Rel. to Victim
	Date of Birth	Race	Sex	Height	Weight/Build	Hair	Eyes	Clothing, Scars, Marks, Tattoos, Peculiarities, A.K.A.
	[ ] Booked Number		Charge Details (Include Ordinance or R.C.W. Number)					
PERSON NO. 2	Code	NAME: Last		First	Middle (Maiden)		Home Phone	Business Phone
	ADDRESS: Street		City	State	Zip	Occupation	Place of Employment/School	Rel. to Victim
	Date of Birth	Race	Sex	Height	Weight/Build	Hair	Eyes	Clothing, Scars, Marks, Tattoos, Peculiarities, A.K.A.
	[ ] Booked Number		Charge Details (Include Ordinance or R.C.W. Number)					
PERSON NO. 3	Code	NAME: Last		First	Middle (Maiden)		Home Phone	Business Phone
	ADDRESS: Street		City	State	Zip	Occupation	Place of Employment/School	Rel. to Victim
	Date of Birth	Race	Sex	Height	Weight/Build	Hair	Eyes	Clothing, Scars, Marks, Tattoos, Peculiarities, A.K.A.
	[ ] Booked Number		Charge Details (Include Ordinance or R.C.W. Number)					

[ ] Additional Persons On Report Continuation Sheet (People) Form No. Z-556

PROPERTY RECOVERED - List and indicate disposition. PROPERTY ON PROPERTY REPORT FORM (Form Z-1039)

NARRATIVE

L.I. This is Detective Lindberg of the Tacoma Police Department Crimes Against Persons Detail. The date is 2-12-98. The time is 2330 hours. The location of this tape recorded interview is the 4th floor interview room. The purpose of this interview is in reference to Case Number 98-0431029. Present in the room is Detective Jim Williams; myself, Detective Lindberg; and KEVIN CUBEAN. Okay, MR. CUBEAN, before

REPORTING TIME & DATE 2330 2-12-98	OFFICER'S SIGNATURE & NO. <b>DET. L. LINDBERG #289</b>	APPROVAL <b>SGT. EAB #270</b> (35)
REPORT PROCESSING (Records Personnel Only)	DISTRIBUTION: Date <u>4/1/98</u> By <u>Br</u>	MICROFILMED: Date _____ By _____
INDEXED: Date _____		COPY TO: _____

INDEX	NARRATIVE
	questioning and the making of any statement, I'm going to advise you of your rights. You have the right to remain silent. Do you understand that?
K.C.	Yes sir.
L.L.	Any statement that you make can be used as evidence against you in a court of law. Do you understand that?
K.C.	Yeah.
J.W.	Yes?
K.C.	Yes.
L.L.	You have the right at this time to talk to an attorney of your choice and to have your attorney present before and during questioning and the making of any statement. Is that clear?
K.C.	Yes.
L.L.	If you cannot afford an attorney, you are entitled to have one appointed for you, without cost to you, and to have the attorney present at any time, during any questioning and the making of any statement. Okay?
K.C.	Yes.
L.L.	You may stop answering questions or ask for an attorney at any time, during any questioning and the making of any statement. Do you understand that one?
K.C.	Yes.
L.L.	Do you understand each of the rights that I've just explained to you?
K.C.	Yeah.
L.L.	And having been
K.C.	Yes.
L.L.	Okay. Having been made fully aware of these rights, do you voluntarily wish to answer questions now?
K.C.	Yes.
L.L.	Okay, I'll call you KEVIN, okay?
K.C.	Yes sir.
L.L.	Tonight you were involved in an incident in the City of Tacoma. I guess, from briefly talking to you, it all started out while you were sitting around your house?
K.C.	Yes, I was at home.

## INDEX NARRATIVE

L.L. So why don't you just kind of start out in your own words and tell us what happened tonight?

K.C. Okay. Tonight I was at home. I was sitting down, watching television with my girlfriend.

L.L. What's her name?

K.C. Her name is CINDY COWLIN.

L.L. I, I couldn't catch that . . .

K.C. Her name is CINDY COWLIN.

L.L. COWLING?

K.C. COWLIN. C-O-W-L-I-N. Okay, we was watching television. The phone rang and it was MANDO and he's just asking me what I was doing, you know, I haven't seen him, you know I haven't seen him in awhile. And I said nothing, I'm just watching television. And then he just said, Oh all right then man, I'll call you back later. And he hung up. About half hour later he called back and he said, Yo man, you, you can come and give me a ride. And I asked him where he needed to go.

L.L. And about what time was that?

K.C. Oh sir, it was probably about 7:45, 8:00 o'clock. Somewhere around there. I don't remember the exact time.

L.L. Okay.

K.C. And I asked him where would he need to go. He just said he needed to go get his girlfriend OR talk to her, and I said, Well I need some gas money.

L.L. Calm down.

K.C. I said I need some gas money. He said, All right then, I'll give you a couple bucks. And so I asked my girlfriend, can I use her car

(37)



TPD



PCSD



OTHER

98-0431029

## INDEX NARRATIVE

to go and take MANDO and get his girl. And she said okay. And so I went over to his house over on 61<sup>st</sup>, then I blew the horn and he came outside. Well he took a few minutes in the house and then he came outside and before he got in the car I asked him where he needed to go, and he said, Man, I need to go over by the North End. And I said, Okay. Then he got in the car and we was driving and we was talking. He asked me to stop and get a beer. I told him no, I don't feel like, you know I'm not gonna drink nothing tonight, I just, you know, I just want to hurry up and get back to the house. And we was driving and we get over to the Polynesias and he asks me, he asked me for some apartment number. I don't even remember the number, man. I just told him I don't know, this is a big apartment complex. And he said, Well man, park the car. I got to go find this apartment. And so I parked the car. Then I was sitting in the car for a little while and MANDO walked . . .

L.L. Slow down. Slow down a little bit.

K.C. Okay. I wait for, I wait for him to come back and he walked up the stairs . . .

L.L. Well . . . Okay. Try and slow down and take a couple of deep breaths, okay?

K.C. I'm sorry. I'm just very nervous.

L.L. I know.

J.W. You're, you're doing okay.

K.C. Okay, and he walked up the stairs and he got up the stairs . . .

L.L. And could you see him from where you were parked?

K.C. No sir. I couldn't hear, I couldn't see him. But I heard him start arguing. Him and his girlfriend started arguing. And that's when I

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INDEX NARRATIVE

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got out the car and I walked up to the top of the stairs and him and his girlfriend were standing in front of the, in front of the door where they were at and I was standing, I was just standing there looking at them, you know, I was, you know, I thought it was kind of funny, cause I'm like, you know you, man she don't want you. You know? And then that, the guy came outside and him and AMANDO started talking for a minute and at that point I walked downstairs. And I walked downstairs for a minute. And then he, I heard him start arguing with his girl again. I came back up the stairs. His girl, I, and the girl and the guy had went in the house and I guess they had shut the door. And he was banging on the door, pounding on the door and I kept telling him, Come on man. You know, you looking like a sap up here trying to get your girl. She's with somebody else. Come on, let's go. And I was turned around and he started coming like he was coming with me, and then all of a sudden he said, "No man. Fuck that." And he turned back around and ran and like I say, he kicked the door in and started firing.

L.L. Okay. You were standing up there at the top of the stairs near the apartment (unintelligible).

K.C. I was standing at the stairs while he was talking, he was arguing with his girl.

L.L. Okay now, the, one of the other people that were inside the apartment said he could see you standing out there.

K.C. I was standing right near the window. It, it's, well that's the only . . .

L.L. Okay, so you were near the window of the apartment?

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INDEX NARRATIVE

K.C. I was, the, the, the, the stairs is right here. Then it's the window, and then it's the door.

L.L. Okay. So you were pretty close to it.

K.C. I was . . .

L.L. Pretty close to the door.

K.C. I was standing over, over there. I never went over by that door.

L.L. Okay. But you were by the window?

K.C. Yeah, I was standing by it on the stairs, on, at the top of the stairs.

J.W. You, you could be seen through the window. If somebody looked through the window they could see you?

K.C. Probably.

J.W. Did you see somebody looking through the window?

K.C. Sir, I didn't see nobody.

J.W. Okay.

K.C. The, the, the, the lights . . .

L.L. Okay.

K.C. . . . were, the lights . . .

L.L. Did you, did you say anything to, to MANDO while he was up there?

K.C. I kept telling him, Come on MANDO, let's go. That's all I was telling him. Come on, let's go. Man, you're looking stupid out here, you know, trying to, he was trying to get his girlfriend out the house.

L.L. Was she yelling back from inside?

K.C. Sir, I didn't hear anybody.

L.L. Okay.

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## INDEX NARRATIVE

K.C. I didn't hear anybody yelling back anything.

L.L. So then, you said he started to walk away?

K.C. I was walking down the stairs and then he was coming behind me, then next thing I know he just said, "Fuck that." He never even came down the stairs. He just turned back around and then I saw the door kicked open and shots started being fired.

L.L. So you were out of sight by that time?

K.C. No, I came, as soon, as soon as I heard the door, he kicked the door open and I came back up to the top of the stairs and I heard the shots. And . . .

J.W. Okay, take it easy. Take a breath. Take a breath.

L.L. How many shots did you hear?

K.C. Man, I don't know, man. I, at least, (unintelligible) I know I heard at least three. By that time I was . . .

L.L. Did you know that he had a gun when you went up there?

K.C. No sir. No sir. I don't play that anybody who try to get in my car with guns, alcohol, none of that.

L.L. Had you ever known him to carry a gun?

K.C. I've seen MANDO with a gun one time and that was back in the summertime. He tried to ride with me and I told him to get the fuck out, excuse my language, I told he can't come in my car.

L.L. What kind of gun did he have then, do you remember?

K.C. It was a little bitty one, it was like . . .

L.L. Automatic or revolver.

K.C. I don't know. I think it was a automatic. I don't remember, man.

L.L. Did you see the gun tonight?

REPORT CONTINUATION  
SHEET

AGENCY



TPD



PCSD



OT:

R

98-0431029

INDEX NARRATIVE

K.C. No.

L.L. Ever?

K.C. No.

L.L. Okay, so he, he kicked the door in. You came back up to look what was going on?

K.C. When I heard the door, I heard the door, I mean it happened so fast. It was like the door had been opened and then shots.

L.L. So, so did you come, when you heard him kick the door, you came back to look a little bit, right?

K.C. I didn't know what was going on so I . . .

L.L. So you . . .

K.C. . . . just, I came back to the top of the stairs and I heard . . .

L.L. Did you see, did you see . . .

K.C. . . . I didn't see nobody.

L.L. . . . did you see him go in the apartment?

K.C. No sir, at that time he was, he was already in the door. He, and I heard the shots and just, when the shots started firing his, I was coming down, his girlfriend, in fact his girlfriend was coming, was running out at the same time I was going downstairs.

L.L. Was she following behind you?

K.C. No, she was just coming out. She was just coming . . .

L.L. I mean, did she go out the, down the same way you went?

K.C. She, she went the other, she was running down the other way, cause when I got down the stairs, she was coming down and was running, running down, down the, running down the street.

L.L. Did you see MANDO run away?

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K.C. MANDO was chasing after her.

L.L. So she came out of the apartment and ran the long way towards the stairs . . . .

K.C. Yes.

L.L. . . . which would be to the south.

K.C. Yeah. If, if this was the apartment, I came upstairs . . .

L.L. She came out of the door of the apartment and turned right?

K.C. I believe so.

L.L. And you were going the other way, right?

K.C. I was already down. I was already down on the pavement.

L.L. To the left. To the north? Okay. Now, okay, so you heard the shots. You took off and you saw her take off the other way?

K.C. Yes. And then MANDO, when I was walking, when I was walking to my car, MANDO would be running down, and he was running after her and that's the last I seen.

L.L. Okay now, when you were walking to your car, did you walk in front of the building like where the apartment doors are on the ground or behind the building?

K.C. My car was parked on the other side. I was behind the building.

L.L. So you walked on the street behind the apartments?

K.C. Yeah, cause my car was right directly by the stairs.

L.L. At the other end of the building?

K.C. Yeah.

L.L. And you saw him chasing her down the street. And that, and then what?

K.C. That's all I saw. I didn't, after that . . .



INDEX NARRATIVE

L.L. What, what'd you do then?

K.C. I just left man. I went home. I was freaking out.

L.L. When you saw him chasing her, running the same direction that she was running, could you see that he was carrying a gun or anything?

K.C. Sir, I didn't get no other good look at MANDO. All I know is he was coming down running sir and he still had his coat on.

L.L. Okay. Do you know where AMANDO is right now?

K.C. No sir. I have no idea. I have no idea.

L.L. Do you know any of his friends?

K.C. Sir, he's just an acqua, he's just an acquaintance, he's not my friend. I just . . .

L.L. Okay, how do you know MANDO?

K.C. I know him cause we worked together at Barbecue Pete's. That's where I met him at.

J.W. That's the Barbecue Pete's on 72<sup>nd</sup>?

K.C. On 72<sup>nd</sup>. I was a cook and he, he was a dishwasher. And like I said, this was back in the summer. We talk periodically, but it was no kind of hanging out. I haven't even seen him in probably three months before to, tonight.

L.L. Now, when he asked you, when you gave him a ride tonight, you didn't know anything bad was gonna happen, did you?

K.C. No sir. No, the whole time I'm telling him, Man, why you even chasing after your girl. Man, you know, I mean it ain't worth it, you know, chasing after a woman. That's all he kept saying was, "My girl", you know, I got to go talk to her man. She's cheating on me, you know. And I'm like, whatever, you know.

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## INDEX NARRATIVE

J.W. When was he saying that? Was that in the car?

K.C. He was saying it, he was saying it in the car. And I remember, you know, I know he's been having problems with his girl for a long time, cause I think the summertime they would, they used to argue all the time. And I think when he went to jail before, for a domestic with her, and that was, that's (unintelligible) the last time I talked to him the night he got arrested. That, it was a couple of months ago and I haven't talked to him since.

J.W. Do you know his girlfriend?

K.C. I've seen her.

J.W. What's her name, do you know?

K.C. I don't even know her name. I know she's light-skinned, kind of tall.

L.L. And then that's the same girl you saw tonight running?

K.C. Yes.

L.L. Anything else?

J.W. What kind of a car is your girlfriend's car that you were driving?

K.C. She has two. She has a Monte Carlo and she has a Taurus.

J.W. Which one were you using tonight?

K.C. I give him a ride in the Taurus cause the Monte Carlo didn't have no gas.

J.W. Okay. And what color is the Taurus.

K.C. It was maroon.

J.W. Okay. Okay, and did MANDO seem all . . . I mean, did, did he seem sober?



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K.C. He, he was sober. He asked me to stop and get some beer and I told him no. I, you know, I'm not drinking tonight. I said, you know, I'm just gonna take you over there and go home.

J.W. Okay.

K.C. Cause he wanted . . .

J.W. Did you get, did you get any indication that maybe he had been drinking, like any odor of alcohol or anything?

K.C. No sir. No sir.

J.W. Okay.

K.C. He, he was sober. He was straight. He's not crazy and I can't believe he did that, and I'll testify to all of that.

J.W. Okay. So he was talking normal?

K.C. Yes sir. He was talking normal and every like, you know, it was like, you know, man, it was just, he wasn't, he wasn't pissed off. I mean he was, he wasn't mad, mad, you know, to the point. Cause if he was really pissed off I would have told him no, cause you know, I know how people get with their women and stuff and I wouldn't have got involved. He just said he wanted to go over there and, and pick her up and talk to her.

J.W. Okay. All right. What color is the coat that he was wearing?

K.C. I think it was, I believe it was blue and black. It was a big, long bomber.

J.W. Bomber-style coat?

K.C. Yeah.

J.W. Okay. Do you, do you know if he has a, a pager? Does he carry a pager, do you know?



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K.C. He has a, he had a pager but I think it messed up on him.

J.W. Okay. So you think it's not working anymore?

K.C. Yeah.

J.W. The last you knew it's not working?

K.C. The last time I paged MANDO was probably in September. I'm telling you I haven't really talked to him. He's, he's just an acquaintance. He's not my friend. He's not somebody that I hang out with.

J.W. Okay. Do you happen to know his pager number when it was working?

K.C. It was, I think it was a 903 number or something like that. I can't remember.

J.W. You can't remember? Okay, you don't have it wrote down in your wallet or anything?

K.C. No sir.

J.W. Nurseru

L.L. Do you know his address on 61<sup>st</sup>?

K.C. No, but I'll take you right to his house where I picked him up. It's on 61<sup>st</sup>, I believe it's his mom's house or something.

L.L. I was gonna ask, you know, what's the cross street?

K.C. I don't know. I get (unintelligible)

L.L. Oh, we probably have his address. Yeah. Anything else?

J.W. No, I don't think so.

L.L. Okay, KEVIN, is there anything that you want to add to your statement?

K.C. Sir, other than I'll be a State's witness, cause I seen it all and I know what happened.

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L.L. Okay, you realize, I forgot to tell you, you understand that this statement, this whole statement that you just made has been tape recorded?

K.C. Yeah.

J.W. You, you were aware of that before we started this . . .

K.C. Yes.

J.W. . . . and was, you were told it was gonna be tape recorded?

L.L. And I, I, I want a clear answer.

K.C. Yep.

L.L. Yes?

K.C. Ye, yes.

L.L. Okay. And this statement is given voluntarily and without any threats to you?

K.C. Yes sir. I'll talk to anybody without no problem.

L.L. Okay. And we haven't made any promises to you have we?

K.C. You, you never did anything to me, other than very kind.

L.L. Okay. The date is still 2-12-98. The time is now 2345. The interview is terminated.

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**STATE V. ARMONDO SHELBY**  
**INVESTIGATION NOTES**  
**(98-1-00715-1)**

**---Kevin Cuban, 11-19-98.**

--- Resides at 2106 S. Hosmer Street, Tacoma.

--- Friend of Armondo's who drove Armondo to Tirrell's apartment on night of incident.

--- Kevin says their friendship was nothing more than an Acquaintances and Kevin would give Armondo a ride on a few occasions.

--- They met while both worked at Barbecue Pete's Restaurant.

--- Only saw Armondo with a gun on one occasion. This wasn't the night of the incident. Kevin said Armondo carried the gun on his waistband.

--- Says gun was small, a semi-auto, but can't recall caliber or color of the gun.

--- Kevin knew of Jennifer, as he saw the two of them together, and just assumed they were "boyfriend/girlfriend".

--- Kevin is unaware of any details involving the relationship of Jennifer and Armondo, again saying he and Armondo were just acquaintances.

--- Kevin has never seen or heard of victim/Tirrell Butler.

--- On the night of the incident, Armondo called and asked Kevin to give him a ride. Kevin hadn't spoken to Armondo for quite some time and told him "no".

--- Armondo called back and said he really needed a ride and would give Kevin \$5 for gas.

--- He picked up Armondo at his (Armondo's) mother's home.

--- Armondo was wearing a "big coat", but can't recall the color.

--- Armondo said to drive him to the Polynesian Apartments.

--- Armondo said he was told Jennifer was there and he wanted to go there to see if she was actually there.

- Kevin said Armondo was calm, "acting like his normal self."
- Kevin said Armondo never said how he found out Jennifer was at the Polynesians, and he never said he was called by a person named "Bobby".
- He believes Armondo had the address and apt. # written down a piece of paper.
- Armondo never said he had a gun and Kevin never saw a gun on Armondo that evening.
- They pull into the Polynesian apartment parking lot and Armondo quickly gets out of the car to look around, and he says, "man, why don't you come help me find it."
- Kevin gets out of the car and begins to follow Armondo. Armondo is walking in front of Kevin and Armondo disappears when he walks around the side of the apartment building.
- By the time Kevin comes around the corner of the building, Armondo is now standing with Jennifer and Tirrell at the front door to Tirrell's apartment, which is closed.
- There is some talking going on. Nobody is arguing at this point. Armondo is questioning Jennifer by asking, "what are you doing here?"
- Tirrell isn't saying anything at all, except, to tell Armondo, "She lives here."
- Kevin "thinks" that Tirrell had a bottle of beer in his hand.
- Kevin didn't hear any talk about the name "Bobby".
- After about two minutes of talk, Tirrell went inside his apartment to leave Jennifer and Armondo alone to talk.
- Armondo is now changing his demeanor, as he is becoming agitated and yelling at Jennifer, telling her to "to get her stuff" and "it's time to leave."
- Jennifer went inside the apartment and closed the door.
- A couple of minutes passed and Armondo began banging on the door, yelling, "come out."
- Kevin keeps telling Armondo, "lets go, it aint worth it."
- Armondo said, "OK lets go", and he began to walk away.
- Armondo suddenly stopped and said, "fuck this shit." He kicked open the front door and went inside.
- Kevin is standing at the top of the stairs, about 10' from Tirrell's front door.

--- within seconds Kevin can hear a "scuffling" inside the apartment, quickly followed by at least three shots in quick succession.

--- Within a couple seconds after the shots, Jennifer came running out the front door, she was "hysterical".

--- Kevin ran too, running to his vehicle.

--- Kevin said Armondo caught up to Jennifer in the parking lot and tried to talk to her. He couldn't hear what Armondo was saying to her.

--- Kevin started to drive away and Armondo said, "wait, I need a ride." Kevin told Armondo, "fuck that, your crazy," and drove off without Armondo.

**NOTE:** Kevin was emotional during our interview, often near tears, and is quite upset that Armondo did this.

**STATE V. ARMONDO SHELBY**  
**INVESTIGATION NOTES**  
**(98-1-00715-1)**

--- **Danielle Griffith, 12-3-98.**

--- Resides at 5421 57th St. Ct. W. #F-9, Tacoma.

--- She is best friends with Jennifer.

--- Says she is also friends with Armondo despite what occurred.

--- Jennifer never talks about the incident.

--- Says Armondo and Jennifer both smoke pot. Doesn't know if Tirrell uses drugs.

--- She has never seen either Tirrell or Armondo carry a gun.

--- Jennifer stayed with the Griffith's occasionally.

--- Armondo was a "jealous" person and called the Griffith's often to look for Jennifer.

--- Danielle never received a phone call from Armondo in which he threatened to shoot Tirrell and she is not aware of any family member receiving such a call, in fact, Danielle was quite surprised when asked this question.

--- She said Armondo knew Jennifer was seeing Tirrell, because Armondo told Danielle he "knew what was going on."

--- Danielle said Tirrell was jealous too, as he would constantly "check up" on Jennifer as well.

--- She's not aware of Armondo assaulting Jennifer. At least Jennifer never said anything to her about any assaults..

Public Disclosure Act				OTHER:			
Arrest	3 Vehicle	4 Juvenile	8 Report Name/Offense				
Property	X 6 Medical	7 Domestic Viol.	STOLEN HAND GUN				
Type of Premise (For Vehicles State Where Parked)			10 Entry Point		11 Method		
Apartment							
Weapon/Tool/Force Used			13 Date Report'd	14 Time Rept'd.	15 Date Occur.	16 Time Occur.	
			2-16-98	1000	1-19/2-12-98		
			19 Census		20 Dist.		
			109		2-3		
3 Location of Incident Address			[X] 926 N. Pearl St., Apt. D-10				
CODE			C (Person Reporting Complaint)	V (Victim)	W (Witness)	P (Parent)	
21 Code			22 NAME: Last	First	Middle (Maiden)	23 Race/Sex	
V			Bradley	IRVIN		B/M	
26 PDA			27 ADDRESS: Street	City	State	Zip	
			7214 East E St.,	TACOMA	WA	98404	
21 Code			22 NAME: Last	First	Middle (Maiden)	23 Race/Sex	
W			Bradley	GREGORY	L.	B/M	
26 PDA			27 ADDRESS: Street	City	State	Zip	
			326 Woodlawn Rd.,	STEENS,	MISSISSIPPI	39766	
21 Code			22 NAME: Last	First	Middle (Maiden)	23 Race/Sex	
O			Butler	TERRILL	THOMAS	B/M	
26 PDA			27 ADDRESS: Street	City	State	Zip	
			926 N. Pearl St.	APT-D-10	WA	98406	
[ ] Additional Persons On Report Continuation Sheet (People) Form No. Z-556							
CODE: A (Arrest) S (Suspect) SV (Suspect Verified) R (Runaway) M (Missing Person) I (Institutional Impact)							
30 Code							
31 NAME: Last							
34 ADDRESS: Street							
35 Occupation							
36 Place of Employment/School							
37 Relation to Victim							
38 Date of Birth							
39 Race							
40 Sex							
41 Height							
42 Weight/Bld.							
43 Hair							
44 Eyes							
45 Clothing, Scars, Marks, Tattoos, Peculiarities, A.K.A.							
46 Number							
47 Charge Details (Include Ordinance or R.C.W. Number)							
[ ] Booked							
[ ] Cited							
30 Code							
31 NAME: Last							
34 ADDRESS: Street							
35 Occupation							
36 Place of Employment/School							
37 Relation to Victim							
38 Date of Birth							
39 Race							
40 Sex							
41 Height							
42 Weight/Bld.							
43 Hair							
44 Eyes							
45 Clothing, Scars, Marks, Tattoos, Peculiarities, A.K.A.							
46 Number							
47 Charge Details (Include Ordinance or R.C.W. Number)							
[ ] Booked							
[ ] Cited							
[ ] Additional Persons On Report Continuation Sheet (People) Form No. Z-556							
Juvenile Arrests - Block No. 109 MUST Be Completed							
48 Stolen*							
49 Victim							
50 Impound							
54 License No.							
55 Lic. State							
56 Lic. Year							
57 Lic. Type							
58 Vin.							
51 Recovery							
52 Suspect							
53 Hold							
59 Year							
60 Make							
61 Model							
62 Body Style							
63 Color							
64 Peculiarities							
65 Hold Requested By/For							
66 Ori. & Case No.							
67 Registered Owner: Name							
Address							
City							
State							
Zip							
68 Home Phone							
69 Condition							
[ ] Drivable							
[ ] Stripped							
[ ] Not Drivable							
[ ] Wrecked							
70 Inventory							
71 Tow Co. & Signature							
72 Enter							
73 Date							
74 Time							
75 WACIC							
76 LESA							
77 Initial							
78 Release Info							
79 Date							
80 Time							
81 Release No.							
82 Releasing Authority							
83 Clear							
84							
85							
86							
87							
88							
89 Owner Notified							
90							
91							
92 Operator's Name							
93 Signature & I.D. No. of Reporting Officer(s)							
94 Approval							
95 Distribution Excp.							
D-50							
C/D/Williams							
REPORT PROCESSING (Records Personnel Only)							
DISTRIBUTION: DATE BY							
INDEXED: DATE BY							
Microfilmed							
Initials							
Filed							
Initials							

STATEMENT OF PERSON REPORTING

I, the undersigned, declare this to be a true and correct report. I will testify, in court, under oath, to the facts herein. I understand that I may be charged with violation of R.C.W. 9A.76.020 "Obstructing a Public Servant" if filing a false report. If reporting a stolen vehicle, I understand I am liable for all towing and storage costs incurred in the recovery of this vehicle.

Date \_\_\_\_\_ Time \_\_\_\_\_ Signature \_\_\_\_\_

97 Type of Injury or Illness	98 Hospital Taken	99 By?	100 Employee On Duty
101 Extent of Injuries	102 Attending Physician	103 Suicide Note Found? [ ]	104 Hold Placed By
105 Stolen	106 Total Theft \$	107 Total Damaged \$	
106 Lost	108 Evidence	109 Recovered	
110 Narrative	111 Theft Inventory Att.	112 Theft Inventory Left	

INTERARMS STAR model super 9mm Largo  
 Handgun; Serial #374715  
 Insurance Company \_\_\_\_\_

RELATED TO HOMICIDE INVESTIGATION 98-043-1029

The above listed handgun was lent to Butler and Gregory Bradley when they shared apartment D-10 together. Irvin Bradley said Butler told him the handgun was missing few days after Gregory Bradley left for the family home in Mississippi. TIRRELL Butler and Gregory Bradley are cousins, Irvin Butler is their uncle. Turrell Butler was murdered on 2-12-98. R/O subsequently contacted Gregory Bradley by telephone on 2-16-98. Gregory Bradley said the handgun was at Turrell Butler apartment when he left on January 14<sup>th</sup> 1998. Gregory Bradley said the handgun was kept between the mattress of the bed and under the cushions of the couch. A search of the apartment was negative. Turrell's true name is Thomas Turrell Butte

HAZARD SECTION

112 Complete the Hazard Section of this report only if the officer encounters combative resistance or physical aggression. More passive resistance or attempts to break free do not require completion of this section. If suspect threatens officer, check box "Threats Only".

1 [ ] Combative Resistance	9 [ ] Uniform	14 [ ] One Officer Car	23 [ ] Mentally Deranged
2 [ ] Physical Aggression	10 [ ] Non-Uniform	15 [ ] Two Officer Car	24 [ ] Handling Prisoner
3 [ ] Threats Only	11 [ ] Detective	16 [ ] Officer Alone	25 [ ] Robbery In Progress
4 [ ] Officer Injured	12 [ ] Foot	17 [ ] Officer Assisted	26 [ ] Suspicious Circumstances
5 [ ] Firearm	13 [ ] Off-Duty		27 [ ] Traffic Stops
6 [ ] Knife			28 [ ] All Others (165)
7 [ ] Other Dangerous Weapon			
8 [ ] Hands, Fists, Feet, Etc.			

Responding To: 18 [ ] Ambush - No Warning 19 [ ] Attempting Other Arrests 20 [ ] Burglary In Progress 21 [ ] Civil Disorder (Riot) 22 [ ] Disturbance Call

Suspect Involved In Hazard 29 [ ] Number 1 30 [ ] Number 2



## **CourtLink eAccess Details for \*\* Case: 97-1-03838-5 \*\***

Court System: Washington Superior Courts

Date Printed: 3/27/2003 10:12:22 AM

Court: State of Washington -- Pierce County Superior Court

Case: State of Washington VS Kray, Sap - Criminal

Judge: 13

Filed on: 09/19/1997

Note: Dob 05-15-1952 A/M

Note: Notice of Appeal Filed 04-28-99 Coa#24680-5

### **Summary**

Search Name: Kray, Sap  
Offense: Aggmurdfirst  
Judgment#: 99-9-03921-2  
Resolution: Convicted by Jury  
Completion: Judgment/Order/Decree Filed  
Status: On Appeal

Appealed: No  
Date: 03/11/99  
Date: 04/14/99  
Date: 04/28/99

### **Names**

#### **Connection / Litigant Name**

Plaintiff #1  
State of Washington  
Defendant #1  
Kray, Sap  
Name Code: In 55C 19105  
Attorney #1 - Plaintiff/Petitioner #1  
Horne, Gerald Allen  
Bar# 06123  
Attorney #1 for Defendant #1  
Thoenig, Raymond H.  
Bar# 06510  
Attorney #2 for Defendant #1  
Brannon, Joyce Ann  
Bar# 23410  
Withdrawn Attorney #3 for Defendant #1 on 05/01/00  
Griffith, Rita Joan  
Bar# 14360  
Attorney #4 for Defendant #1  
Rountree, Meredith Martin  
Bar# 26554  
Attorney #5 for Defendant #1  
Cole, Kevin R.  
Bar# 21369

### **Docket**

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
09/19/1997	information	Public		1640-3068
09/19/1997	affidavit/Determin Prob Cause	Public		1640-3070
09/24/1997	omnibus Application by Defendant	Public		
09/25/1997	waiver of Time For Arraignment	Public		
09/25/1997	affidavit of Gerald Horne	Public		

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
09/25/1997	order to Enlarge Time For Argrnmnt	Public		1643-742
09/25/1997	order For Hearing Motion	Public		
09/25/1997	motion Hearing	Public		
10/02/1997	request For Discovery	Public		
10/07/1997	subpoena Duces Tecum 2	Public		
10/15/1997	request For Discovery	Public		
10/31/1997	order to Appear For Pretrial Hrg	Public		
10/31/1997	notice to Defendant	Public		
10/31/1997	order Establishing Cond. of Release	Public		1655-1227
10/31/1997	motion Hearing	Public		
11/05/1997	request For Discovery	Public		
11/07/1997	request For Discovery	Public		
11/10/1997	assigned to Dept 13	Public		
11/19/1997	order Extending Time For Filing	Public		1659-4754
11/19/1997	motion Hearing	Public		
11/19/1997	waiver of Speedy Trial	Public		
11/19/1997	order Setting Trial Date /Omnibus	Public		
11/20/1997	order For Hearing Omnibus	Public		
11/26/1997	return on Subpoena 2	Public		
12/30/1997	ord For Hearing Mot Protective Ord	Public		
01/02/1998	request For Discovery	Public		
01/07/1998	order For Hearing	Public		
01/16/1998	memo Opposing Protective Order	Public		
01/21/1998	motion Hearing	Public		
01/22/1998	waiver Resence Hearing	Public		
01/22/1998	memo in Opposition	Public		
01/22/1998	order For Hearing Motion	Public		
01/22/1998	motion Hearing	Public		
02/02/1998	objection / Opposition	Public		
02/10/1998	request For Discovery	Public		
02/11/1998	motion Hearing	Public		
02/11/1998	order For Hearing Med Recs	Public		
03/10/1998	request For Discovery	Public		
04/09/1998	order For Hearing Omnibus/Oh	Public		
04/29/1998	order For Hearing Status Conf.	Public		
04/29/1998	omnibus Order	Public		
04/29/1998	waiver of Presence	Public		
06/03/1998	hearing Continued: Stipulated	Public		
07/24/1998	request For Discovery 2	Public		
07/29/1998	request For Discovery 2	Public		
08/03/1998	request For Discovery	Public		
08/14/1998	request For Discovery	Public		
09/15/1998	request For Discovery	Public		
09/15/1998	request For Discovery	Public		
09/15/1998	letter From Gerald Horne	Public		
09/16/1998	request For Discovery	Public		
09/30/1998	omnibus Application of Pros Atty	Public		
09/30/1998	motion Hearing	Public		
09/30/1998	initial Arraignment	Public		
10/12/1998	request For Discovery	Public		
10/19/1998	state S List of Witnesses	Public		
10/20/1998	request For Discovery	Public		
10/21/1998	return on Subpoena 95	Public		
10/21/1998	return on Subpoena 24	Public		
10/23/1998	return on Subpoena 3	Public		

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10/27/1998	request For Discovery	Public		
10/27/1998	motion For Severance	Public		
10/28/1998	return on Subpoena	Public		
10/28/1998	memorandum of Authorities	Public		
10/28/1998	affidavit/Declaration of Service	Public		1791-874
10/28/1998	motion & Memorandum	Public		
10/28/1998	motion Hearing	Public		
10/29/1998	request For Discovery	Public		
10/30/1998	witness List	Public		
11/02/1998	***** Volume 2 *****JI	Public		
11/02/1998	request For Discovery	Public		
11/02/1998	motion & Memorandum	Public		
11/03/1998	letter From Kawayne Lund	Public		
11/04/1998	motion For Recusal	Public		
11/05/1998	affidavit/Declaration of Service	Public		1793-4935
11/09/1998	affidavit/Declaration of Service	Public		1794-4179
11/10/1998	response - States	Public		
11/10/1998	affidavit of Gerald Horne	Public		
11/10/1998	affidavit/Declaration of Service	Public		1795-1866
11/13/1998	affidavit/Declaration of Service	Public		1796-2224
11/13/1998	reply	Public		
11/16/1998	objection to Jury Taking Notes	Public		
11/16/1998	request For Discovery	Public		
11/16/1998	affidavit of Gerald Horne	Public		
11/16/1998	memorandum in Response	Public		
11/16/1998	trial Memorandum	Public		
11/16/1998	order Mot to Sever Denied	Public		1818-1578
11/17/1998	return on Subpoena 15	Public		
11/18/1998	return on Subpoena 4	Public		
11/18/1998	request For Discovery & Mailing	Public		
11/19/1998	stipulation RE Excused Jurors	Public		
11/23/1998	return on Subpoena	Public		
11/23/1998	state S List of Witnesses 4	Public		
11/24/1998	affidavit/Declaration of Service	Public		1800-467
11/24/1998	motion to Compel	Public		
11/24/1998	motion For Dna Discovery	Public		
11/30/1998	return on Subpoena	Public		
11/30/1998	stipulation RE Jurors Excused	Public		
11/30/1998	letter RE Jury Duty	Public		
11/30/1998	return on Subpoena 2	Public		
12/01/1998	affidavit/Declaration of Service	Public		1801-2071
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12/01/1998	request For Discovery 2	Public		
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12/04/1998	affidavit/Declaration of Service	Public		1803-2981
12/07/1998	return on Subpoena	Public		
12/08/1998	subpoena Duces Tecum	Public		
12/08/1998	order Allowing Jury to Separate	Public		1818-1577
12/10/1998	request For Discovery	Public		
12/10/1998	response to Motion	Public		
12/10/1998	request For Discovery	Public		
12/14/1998	case Information Cover Sheet	Public		
12/14/1998	request For Discovery	Public		
12/14/1998	jury Panel	Public		
12/14/1998	peremptory Challenge Sheet	Public		1839-4013

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12/18/1998	request For Discovery	Public		
12/21/1998	request For Discovery	Public		
12/21/1998	memorandum RE Spousal Competency	Public		
12/21/1998	request For Discovery	Public		
12/28/1998	request For Discovery	Public		
12/29/1998	request For Discovery	Public		
12/30/1998	request For Discovery	Public		
12/30/1998	request For Discovery - Copy	Public		
12/30/1998	request For Discovery	Public		
12/31/1998	order of Release of Marked Exhibit	Public		1842-1815
01/04/1999	response to Motion	Public		
01/04/1999	order of Release of Marked Exhibit	Public		1841-1077
01/05/1999	request For Discovery 2	Public		
01/05/1999	memorandum RE Rcw 5.60.060	Public		
01/11/1999	request For Discovery	Public		
01/11/1999	memorandum RE Rcw 5.60.060	Public		
01/11/1999	2nd Memorandum RE Rcw 5.60.060	Public		
01/11/1999	request For Discovery	Public		
01/14/1999	notice of Officers Cisd Privilege 6	Public		
01/19/1999	request For Discovery	Public		
01/20/1999	return on Subpoena	Public		
01/20/1999	request For Discovery 2	Public		
01/20/1999	state S List of Witnesses	Public		
01/20/1999	stipulation to Restrict Disseminatn	Public		
01/28/1999	notice of Officers Cisd Privilege 3	Public		
02/01/1999	request For Discovery	Public		
02/02/1999	notice of Officers Cisd Privilege 4	Public		
02/03/1999	notice of Officers Cisd Privilege 3	Public		
02/04/1999	notice of Officers Cisd Privilege 3	Public		
02/08/1999	notice of Officers Cisd Privilege 4	Public		
02/09/1999	notice of Officers Cisd Privilege	Public		
02/10/1999	return on Subpoena	Public		
02/16/1999	motion to Preclude Self Defense	Public		
02/17/1999	notice of Officers Cisd Privilege	Public		
02/17/1999	request For Discovery	Public		
02/19/1999	request For Discovery	Public		
02/22/1999	order Sealing Envelope in Drawer 3	Public		1831-4901
02/22/1999	notice of Officers Cisd Privilege	Public		
02/23/1999	notice of Officers Cisd Privilege 2	Public		
02/24/1999	notice of Officers Cisd Privilege	Public		
02/25/1999	affidavit of Brian Moran	Public		
02/25/1999	memorandum RE Str Pcr Dna	Public		
03/01/1999	***** Volume 3 ***** JI	Public		
03/01/1999	response	Public		
03/02/1999	defendant S Proposed Instructions	Public		
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03/04/1999	memorandum RE Self Defense	Public		
03/08/1999	plaintiff S Proposed Instructions	Public		
03/08/1999	instruction #30a	Public		
03/08/1999	instructions	Public		
03/08/1999	defendant S Proposed Instructions	Public		
03/08/1999	plaintiff S Proposed Instructions 2	Public		
03/11/1999	police Report	Public		
03/11/1999	bland Juror Questionnaire	Public		
03/11/1999	witness List	Public		

[illegible]

<u>Filing Date</u>	<u>Filing</u>	<u>Access</u>	<u>Pages</u>	<u>Microfilm</u>
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
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03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/14/2000	verbatim Rpt Transmitted to Div II	Public		
03/21/2000	verbatim Rpt Transmitted to Div II	Public		
05/01/2000	order For Withdrwl of Attorney/Sub	Public		2026-3442
05/19/2000	order RE Viewing of Exhibits	Public		2005-2743
07/06/2000	verbatim Rpt Transmitted to Div II	Public		
07/06/2000	verbatim Rpt Transmitted to Div II	Public		
07/06/2000	verbatim Rpt Transmitted to Div II	Public		
08/21/2000	verbatim Rpt Transmitted to Div II	Public		
05/18/2001	letter RE Report	Public		
10/08/2001	designation of Clerk S Papers	Public		2213-1030
01/08/2002	Designation of Clerk's Papers SUPPLEMENTAL	Public	2	
01/14/2002	Clerk's Papers Sent	Public	3	
03/04/2002	designation of Clerk's Papers	Public	2	
03/25/2002	clerk's Papers Sent	Public	1	
03/25/2002	clerk's Papers Prepared	Public	2	

\*\*\* End of Docket \*\*\*

## Accounting

<u>Sub #</u>	<u>Date</u>	<u>Description</u>	<u>Secondary</u>
	04/14/99	Jdgmt & Sent & Warrant of Commitmt MicroFilm 1852-1500	

## Judgments

<u>Number</u>	<u>Title/Description</u>
99-9-03921-2	State of Washington VS Kray, Sap Type: Criminal - Filed On: 04/14/99 Status: - Date:

**Charges**

<u>RCW Code</u>	<u>Description</u>	<u>Count</u>	<u>Result</u>	<u>Violation Date</u>
Charges for:	KRAY, SAP (Defendant #1)			
Resolution:	03-11-1999 Convicted by Jury			
	<b>** Original Information **</b>			09-19-1997
10.95.020	Aggravated Murder 1st Degree	1		08-28-1997
9.41.010	Firearms/Dangerous Weapons-Define			
9A.32.030	Murder 1st Degree			
9.94A.310	Sentencing Grid			
	<b>** Amended Information **</b>			09-15-1998
10.95.020	Aggravated Murder 1st Degree	1		08-28-1997
9.41.010	Firearms/Dangerous Weapons-Define			
9A.32.030	Murder 1st Degree			
9.94A.310	Sentencing Grid			
NOTE	In The Alt Murder 2nd			
9A.36.021	Assault in The Second Degree	2		08-27-1997
9.41.010	Firearms/Dangerous Weapons-Define			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			
	<b>** Amended Information 2nd **</b>			11-23-1998
9A.32.030	Murder 1st Degree	1	Guilty	08-28-1997
9.41.010	Firearms/Dangerous Weapons-Define			
10.95.020	Aggravated Murder 1st Degree			
9.94A.310	Sentencing Grid			
NOTE	In The Alt Murder 2nd			
9A.36.021	Assault in The Second Degree	2	Guilty	08-27-1997
9.41.010	Firearms/Dangerous Weapons-Define			
9.94A.310	Sentencing Grid			
9.94A.370	Presumptive Sentence			

**Sentence*****Sentence Description*****\*\* Sentence Description for (Defendant #1) \*\***

Chrgd Aggravated Murder 1st W/Dw. Amnd to Aggravated Murder 1st W/Dw in The Alt Murder 2nd & Aslt 2nd. 2nd Amnd to Aggravating Murder 1st or in The Alt Murder 2nd & Aslt 2nd W/Dw. Convicted by Jury Verdict on 03-11-99 to Aggravated Murder 1st W/Dw And Aslt 2nd W/Dw. Sent 04-14-99 on Aggravated Murder 1st W/Dw And Aslt 2nd W/Dw, Life W/Out Parole CT I And 14 Mos Doc CT II W/Cred For 563 Days Served. (Sentence Enhancement For Dw-60 Mos Doc CT I And 36 Mos Doc CT II, To Run Concurrent And as Flat Time.) Nile E Aubrey, Judge.

**\*\* No Sentence Description for (Defendant #1) \*\***

Chrgd Aggravated Murder 1st W/Dw. Amnd to Aggravated Murder 1st W/Dw in The Alt Murder 2nd & Aslt 2nd. 2nd Amnd to Aggravating Murder 1st or in The Alt Murder 2nd & Aslt 2nd W/Dw. Convicted by Jury Verdict on 03-11-99 to Aggravated Murder 1st W/Dw And Aslt 2nd W/Dw. Sent 04-14-99 on Aggravated Murder 1st W/Dw And Aslt 2nd W/Dw, Life W/Out Parole CT I And 14 Mos Doc CT II W/Cred For 563 Days Served. (Sentence Enhancement For Dw-60 Mos Doc CT I And 36 Mos Doc CT II, To Run Concurrent And as Flat Time.) Nile E Aubrey, Judge.

**Other Information**

Sentence for KRAY, SAP  
Sentence Date: 04/14/1999  
Appealed Date: 04/28/1999  
Fine: \$500.00  
Court Costs: \$110.00  
Prison Serve: Yes  
Sentence for KRAY, SAP  
Sentence Date: 04/14/1999  
Appealed Date: 04/28/1999  
Fine: \$500.00  
Court Costs: \$110.00  
Prison Serve: Yes

(Defendant #1)  
Sentenced By: Nile E Aubrey  
Appealed To: 2 Division II  
Restitution: Not Ass'd  
Attorney Fees: Not Ass'd  
Jail Serve: Yes  
(Defendant #1)  
Sentenced By: Nile E Aubrey  
Appealed To: 2 Division II  
Restitution: Not Ass'd  
Attorney Fees: Not Ass'd  
Jail Serve: Yes

This output contains results from the Washington State Courts. Please note:

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\*\*\*\*\* End of Report \*\*\*\*\*



## TACOMA

### Tacoman shot during fight, dies of wounds

A 22-year-old Tacoma man was fatally shot Thursday night after an argument with his girlfriend's ex-boyfriend, Tacoma police said.

Tirell Butler, 22, and his girlfriend were in their home in the 900 block of North Pearl Street about 8:30 p.m. when the ex-boyfriend came over and got into an argument with Butler, police spokesman Jim Mattheis said. The argument turned into a fight that ended when the former boyfriend pulled a handgun and shot Butler several times, Mattheis said. Butler was flown to Harborview Medical Center in Seattle, where he died.

The ex-boyfriend fled in a car driven by another man, Mattheis said. Officers know the names of both men and were looking for them late Thursday.

— BRUCE RUSHTON, THE NEWS TRIBUNE

## Tacoma man sought in fatal shooting

By JOHN GILLIE

THE NEWS TRIBUNE

Tacoma police Friday were seeking an arrest warrant for a 24-year-old Tacoma man sought in a love-triangle shooting death.

Officers are searching for Armondo Tremaine Shelby in connection with the death Thursday night of Tirell Butler, 22, police spokesman Jim Mattheis said.

Police said Butler and his girlfriend were at home in the 900 block of North Pearl Street about 8:30 p.m. when Shelby came over and argued with Butler.

Shelby is the woman's former boyfriend.

The argument turned into a fight in which Butler was shot repeatedly, police said. Butler died at Harborview Medical Center in Seattle, where he had been taken for treatment.

The gunman fled in a car driven by another man, Mattheis said.

Mattheis urged Shelby to turn himself in or those who know where he is to call police to let them know where they can find Shelby.



# Judge Elizabeth "Betsy" Verhey

Judge Elizabeth "Betsy" Verhey repeatedly lets hardcore criminals back into the streets of Tacoma without the supervision of a Probation Department.

Judge "Betsy" agreed to cancel the Probation Department that oversees these criminals...

## WE DESERVE BETTER

### Judge Verhey's court: Armondo Shelby

3/18/97: Found guilty of Domestic Violence Assault and Destruction of property. No Pre-Sentence Investigation was conducted to reveal his criminal history.

Shelby had over 60 felony and misdemeanor charges filed against him from 1990-1997, resulting in over 36 convictions. There was no Probation Department to check his gang status and reveal his true criminal history.

While still under the supervision of the Court, he was arrested one more time... this time he faces the Death Penalty for Aggravated Murder in the 1st Degree.

Judge "Betsy" Verhey continues to run her court today without the vital assistance of the Probation Department.

## WE DESERVE BETTER

**Tacoma  
deserves  
a better  
judge.**

**Who is protecting  
Tacoma's  
families?**

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\*\*\*\*\*ECRL0T\*\*C-008  
JEAN HUMPHREYS  
RAMONA L HUMPHREYS  
4605 E R ST  
TACOMA WA 98404-4521

10  
431

APP 141

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

IN RE: THE PERSONAL RESTRAINT  
PETITION OF:

ARMONDO T. SHELBY,  
  
Petitioner.

)  
) No. 29358-7  
)

) DECLARATION OF PROFESSOR JOHN  
) STRAIT IN SUPPORT OF ARMONDO  
) SHELBY'S SIXTH AMENDMENT  
) CLAIMS  
)

I, John A. Strait, declares and states as follows:

**I. QUALIFICATIONS OF DECLARANT:**

1. My professional experience and educational background are partially set forth in the attached curriculum vitae and resume. I received a law degree from Yale Law School in 1969. I am admitted to the practice of law in California, Oregon, Washington, the United States District Courts for Northern California, Oregon, Washington D.C., Wyoming, Eastern Washington, Western Washington, the Ninth Circuit Court of Appeals, and the United States Supreme Court. I am currently on inactive status in California and Oregon.

2. I am currently an Associate Professor of Law at Seattle University School of Law with teaching responsibilities in the fields of Professional Responsibility, Criminal Procedure, Criminal Law, and

Constitutional Law. In the field of Professional Responsibility, I have taught the law of legal ethics and legal malpractice since 1976. I periodically supervise clinical cases in Superior Court for King County. I teach the law of the Sixth Amendment every year and have done so since 1976.

3. Outside my teaching duties, my private practice includes the representation of attorneys in disciplinary matters and legal malpractice cases. My practice also includes consulting, counseling and representing attorneys on issues involving compliance with the Rules of Professional Conduct. Since the late 1970's, I have represented attorneys both defending and prosecuting competency issues approximately three times per month as a retained consultant and/or attorney since the late 1970's on such issues

4. In addition to my for-fee representation and consulting, I consult on a pro bono basis an average of once or twice a day with lawyers throughout the Northwest, the Washington State Bar Office of Disciplinary Counsel and others on a variety of ethical and malpractice issues. My consulting practice includes giving advice on attorneys' obligations under the Rules of Professional Conduct and their compliance with the minimum standards of care with regard to the duties they owe to clients. I have provided such advice on a daily basis since approximately

1976. My consulting practice includes Washington legal ethics and legal malpractice matters.

5. I have experience as a prosecutor, a criminal defense attorney and a pro tem judge. I have testified as an expert on Sixth Amendment effective assistance of counsel issues for both prosecution and defense. I have lectured on the subject of effective assistance of counsel, legal ethics and discipline for attorneys in some 15 states as well as participated in continuing legal education and presentations on the law of ethics and standards for legal malpractice in the State of Washington in more than 300 presentations.

6. I have previously been qualified as an expert witness in matters relating to the Sixth Amendment right to effective assistance of counsel in a number of jurisdiction including: United States District Courts for the Eastern and Western Districts of Washington, Oregon, Wyoming and Alaska, and for Superior Courts in the counties of Chelan, Grant, Grays Harbor, Island, King, Kitsap, Klickitat, Mason, Pierce, Snohomish, Spokane, Walla Walla, Whatcom and Yakima among others. I provided expert testimony for the defense on the issues of ineffective assistance of counsel in the cases of *In Re: Brett*, 142 Wn.2d 868 (2001), and *Young v. Riveland*, (unpublished opinion) No. 93-36021 (9<sup>th</sup> Cir. 6/21/94).

7. I have published articles and performed professional research and writing in these fields as reflected in part in the attached curriculum vitae (Exhibit A). I currently serve on the Rules of Professional Conduct Committee for the Washington State Bar Association and direct a clinical program in legal discipline through Seattle University School of Law. In this clinical program, law students investigate bar complaints under my direction and make recommendations to the Washington State Bar Office of Legal Discipline on probable cause to proceed with disciplinary actions. The program was awarded the 1995 Gambrell Award by the American Bar Association for service to the profession. I also serve as Adjunct Investigative Counsel investigating bar complaints for the Washington State Bar Association. As Special District Counsel, I have investigated bar grievances involving the ethical responsibilities of attorneys in more than 120 investigations since 1994.

8. I have served as a consultant to the King County Office of Public Defense establishing contract standards for public defender appointments on felony cases. I have also served as a supervisor of felony deputies at public defender offices and was responsible for developing standards of minimum competency for felony representation including standards for conflicts of interest for current and past clients. I was Chairman of the Board of the Washington Appellate Defender Association



for some eight years. I have served on Washington State Supreme Court task forces on appellate advocacy and indigent representation. I currently serve on the Executive Committee of the Washington State Bar Association Criminal Law Section and have done so for more than 20 years.

9. A list of trial testimony and depositions taken of me over the last four years is attached as Exhibit B.

10. In addition to those matters listed above and in my resume provided with this report, I have written materials for over 300 CLE programs since 1986. Many of these materials are repetitious (used from previous CLE's); most are not published; most are not readily available to me. Those that I can identify from my own records are attached as Exhibit C.

## **II. SCOPE OF THE OPINION**

I have been asked to opine whether Mr. Shelby's counsel, Raymond Thoenig and Jane Pierson from the Department of Assigned Counsel (DAC) provided effective assistance of counsel when DAC represented Mr. Shelby in the pretrial and trial phases of this case.

## **III. STANDARD OF REVIEW**

In making my review, I have relied on the Sixth Amendment standards as stated in *Stickland v. Washington*, 466 U.S. 668, 104 S. Ct.

2052, 80 L. Ed. 2d (1984), the Washington Rules of Professional Conduct, as well as my own experience, training, research and teaching of standards of competence in representing criminal defendants in Washington.

#### **IV. MATERIALS REVIEWED IN ORDER TO RENDER OPINION**

In order to render my opinions in this case, I have reviewed the following materials:

1. the entire transcript of trial including voir dire;
2. the transcript of the 3.5 hearing;
3. the transcript of the arraignment on the Amended Information
4. the pretrial motions from 1998 and 1999
5. the Amended Personal Restraint Petition of Mr. Shelby
6. the State's Response to the Personal Restraint Petition;
7. the Appendices to the Amended Personal Restraint Petition;
8. a draft of the Reply Brief of Petitioner;
9. the decision of the Court of Appeals, Division II, on the Direct of Appeal of Mr. Shelby's conviction.

#### **V. SUMMARY OF OPINIONS**

Based on my review of the materials, my experience as a defense counsel, my experience as a law professor teaching the Sixth Amendment standards, trial skills and professional responsibility for Washington

criminal defense lawyers, my experience in reviewing the conduct of Washington criminal defense lawyers in my capacity as Adjunct Investigative Counsel for the Washington State Bar Association; and my experience as a consultant to criminal defense lawyers, prosecutors, and the judiciary on Sixth Amendment standards; it is my opinion that DAC did not render effective assistance of counsel to Mr. Shelby in this case.

DAC suffered from serious, non-waivable conflicts of interest which divided the loyalties owed to Mr. Shelby and which likely prejudiced the outcome of Mr. Shelby's trial. Those conflicts of interest arose from DAC's practice in this case of simultaneously representing witnesses who are adverse to Mr. Shelby, cross-examining other states witnesses and/or failing to call witnesses to testify who were former clients of DAC; and self interest conflicts of interest in which office policy and economic self interest interfere with the minimal obligations to provide competent, loyal, and adequate criminal defense.

In addition to the conflicts of interest, the materials I reviewed, absent additional discovery and explanation of Mr. Thoenig's representation, present *prima facie* evidence of ineffective assistance of counsel at trial because of the failure to interview witnesses, evaluate credibility, put on an affirmative defense case, present any opening statement, and failure to offer available impeachment of key state

witnesses and affirmative evidence through some of those witnesses which would have likely altered the jury's view of the allegations of self-defense.

Cumulatively, Mr. Thoenig's unexplained minimal efforts shortly after he took over the sole defense of Mr. Shelby on the heels of the Sap Kray aggravated murder case, combined with the conflicts of interest that should have disqualified DAC from any representation of Mr. Shelby, violated DAC's obligation to provide effective assistance of counsel to Mr. Shelby in this case.

## **VI. ANALYSIS OF OPINIONS**

### **A. Introduction**

I have known lead defense counsel at trial, Raymond Thoenig, for more than 25 years. Mr. Thoenig and I were public defenders in the same office at the same time and I reviewed his work as Executive Director of the Washington Appellate Defender Association when I served as board member and later Chair of that organization. I believe Mr. Thoenig to be a generally competent lawyer with a good reputation. The expression of my opinion in this case should not be taken as a general criticism of Mr. Thoenig nor his performance in other cases. Even good lawyers can fail to meet the standards of the Sixth Amendment in a particular case. DAC's management policies on conflicts of interest may have limited Mr. Thoenig's ability to comply with a proper conflicts of interest withdrawal.

Because Mr. Thoenig has not provided Petitioner's counsel with his view of the allegations made in Petitioner's pleadings about Mr. Thoenig's performance and the performance of DAC at trial, discovery should be undertaken to require explanation for some of the matters I address in this opinion. It is possible that Mr. Thoenig's explanations might change some of the opinions expressed. Until Mr. Thoenig's explanations are obtained, my opinions are as set forth below. My opinions address the first prong of *Strickland*; whether DAC counsel, including Mr. Thoenig, rendered minimally competent and effective representation to Mr. Shelby as would to a minimally competent Washington defense lawyer under the same or similar circumstances.

**B. DAC's Conflicts of Interest Policy Violates the Standard for Effective Assistance of Counsel**

DAC has an office policy imposed by its administration which is contrary to the minimum standard of care for unconflicted representation for Washington criminal defense lawyers. That policy results in DAC, even over the objection of its own trial deputies, refusing to withdraw from cases where its continued representation would violate not only the Sixth Amendment standard but also the minimum licensing standard for Washington criminal defense lawyers found in WRPC 1.7 (a) simultaneous adverse representation; WRPC 1.7 (b) duties to other clients

and/or self interest which would materially affect the representation;  
WRPC 1.9 (b) Duties not to use confidences and secrets obtained from a former client adversely to that client without permission when combined with WRPC 1.7(b), because of the necessity of using such information to defend a current client such as Mr. Shelby. Failure to withdraw is a mandatory duty under WRPC 1.15 where the previous rules will be violated as they were in this case by the continued representation of a client. Finally, DAC policies fail to implement and obey WRPC 1.10 which makes all of the above rules imputed conflicts applicable to all DAC attorneys regardless of whether the particular lawyer on the case or some other DAC lawyer has the conflict of interest.

**1. DAC Office Policy.**

I have done in-house training on conflicts of interest and attorneys under the above WRPC's for the Department of Assigned Counsel on several occasions over the past 25 years. I have also filed declarations on behalf of DAC attorneys who wished to withdraw because of conflicts of interest such as those in the Shelby case, but who could not obtain permission from DAC administration to do so because DAC had adopted a policy contrary to the mandates of these WRPC's with regards to former client representation in particular. I have discussed this office policy on various occasions with both DAC staff lawyers and administrators.

Although fully aware that the office policy which has existed is in violation of the Washington minimum ethical licensing standards for Washington lawyers, DAC still handles cases in which it must cross-examine its former clients in violation of these rules and/or divide its loyalty obligations between a defendant and other clients who are adverse witnesses. What occurred in the Shelby case appears to be consistent with this office policy.

I have been advised that the policy is adopted because of the economic consequences to DAC of declaring conflicts of interest which increases the cost to Pierce County and which may result in criticisms of DAC by county administrators who do not want the additional expense of hiring non-DAC attorneys and/or the impact on DAC of having to arrange for outside counsel as the county's screening agent for such outside appointments.

DAC's self interest in maintaining its contractual relationship with Pierce County is an adverse self interest under the mandatory WRPC 1.7(b) which requires that the duties owed to an individual client not be compromised by the lawyer's self interest. That rule is applicable both to individual DAC attorneys and to the supervisors of those individual attorneys under WRPC 5.1, Supervisory Responsibilities. Based upon my review of the transcript and records in this case, there is no evidence that

either Ms. Pierson or Mr. Thoenig revealed to the court the existence of this policy or that Mr. Thoenig sought to inform the court that this policy potentially applied to his reluctance to resign as he should have from representing Mr. Shelby for the reasons set forth below.

**C. DAC had non-waivable conflicts of interest under WRPC 1.7(a) requiring Ms. Pierson and Mr. Thoenig to withdraw from representing Mr. Shelby.**

DAC was simultaneously representing three witnesses--Mr. Cleveland, Mr. Singleton, and Mr. Howard--at the same time they were representing Mr. Shelby. A fundamental minimum requirement for competent representation by a Washington criminal defense lawyer is undivided loyalty in defending his client. Mr. Shelby, facing very serious aggravated murder charges was entitled to a defense counsel who did not suffer from divided loyalties to witnesses called by the State or who could have been called by the defense. Under WRPC 1.10, representation by another DAC lawyer not Mr. Thoenig or Ms. Pierson would not alter this minimum requirement. WRPC 1.10 mandates that conflicts which exist under WRPC 1.7(a), 1.7(b), 1.9 (a) and 1.9(b) are equally applicable to all members of the firm. The Department of Assigned Counsel is a law firm. Public defenders are not under a lesser standard of conflict of interest than a private law firm would be. I accept the allegations of Petitioner's Reply



Brief at pages 5-7. Under these circumstances, the failure of Mr. Thoenig to impeach state witness Mr. Cleveland with his criminal history, his failure to explore whether Mr. Cleveland's existing status as a probationer would have biased his testimony or given him an interest in supporting the State's view of the evidence, and his failure to utilize the adverse information to the State's case on cross-examination which the DAC investigator's notes reveal is likely the direct result of the conflicted relationship between DAC on the one hand representing Mr. Shelby and on the other hand representing Mr. Cleveland. Similarly, the failure of the Mr. Thoenig to call to the stand either Mr. Singleton or Mr. Howard who were being simultaneously represented by DAC as set forth at 6-7 prevented the jury from receiving testimony that was relevant and material to the self-defense claim of Mr. Shelby but which was potentially damaging to the interests of Mr. Howard and Mr. Singleton in their cases. Although it is not required to be an overlap of representation by the same DAC defense lawyer, Mr. Singleton was also being represented by Ms. Pierson in the time period that defense witnesses were to be noted for trial. After the defense noted Mr. Singleton as a witness, the prosecution requested an interview with Mr. Singleton as would be their right. Shortly thereafter, Ms. Pierson advised that Mr. Singleton would not be testifying despite the potential testimony cited in the reply brief and its materially

helpful nature to Mr. Shelby's claims. The circumstances for Mr. Howard are identical except that a separate DAC lawyer covered by WRPC 1.10 was representing Mr. Howard.

**D. Conflicts with former clients in which DAC violated the minimum standard of care for a competent defense lawyer in Washington.**

In addition to simultaneous adverse representation conflicts while representing Mr. Shelby, which were not waivable under WRPC 1.7(a), DAC had represented in the past and possessed confidences and secrets of state witnesses Bohlen and Griffith. Although both Bohlen and Griffith gave quite damaging testimony against Mr. Shelby, Mr. Thoenig and DAC should never have been in the position of cross-examining either witness. DAC possessed confidences and secrets as to Bohlen and Griffith including their prior criminal history and impeachable offenses which included Bohlen's probation status and Griffith's prior felony. None of this information was used for impeachment. DAC and Mr. Thoenig owed confidentiality to both Bohlen and Griffith not to use such information to cross examine them without their consent. It would not matter that such information might otherwise be public record because DAC acquired it while representing Bohlen and Griffith. Under WRCP 1.9(b), cross-examination of those witnesses utilizing that information is barred for a

minimally competent Washington lawyer. At the same time, the cross-examination and attack on the credibility on each of these witnesses was necessary to provide minimally competent representation to Mr. Shelby. These conflicts could not be waived except by consent of Mr. Shelby and Bohlen and Griffith.

My review of the records indicates that no waivers were sought or received from any current or past client of DAC and none was sought from Mr. Shelby. In any event, the cross-examination of a former client is so likely to generate hesitancy on the part of a lawyer that it is likely to be a violation of the minimum standard of care for a minimally competent Washington lawyer because the hesitancy to attack a former client will influence the representation of a current client such as Mr. Shelby. Unexplained failures of investigation and failures during trial set forth in the next major portion of my opinions after discussion of conflicts, appear to manifest these conflicts by inadequate preparation and/or examination of these respective witnesses.

**E. Ms. Pierson's conflicts of interest should have put the Court on notice that it needed to make inquiry about Mr. Thoenig's conflict of interest.**

Ms. Pierson's conflicts of interest as the primary counsel preparing the case for trial while Mr. Thoenig was working on the high profile and

highly controversial Sap Kray case are automatically presumptively imputed to Mr. Thoenig under the minimum licensing standard of WRPC 1.10. Accordingly, the court should have done a complete *in camera ex parte* examination of the defense circumstances in order to ascertain whether Mr. Thoenig was capable of continuing the representation or whether the conflicts of interest were so uniquely personal to Ms. Pierson's relationship to Mr. Shelby that they had no actual affect on Mr. Thoenig's obligations to Mr. Shelby. Not only does WRPC 1.10 indicate that this could not ethically be the case, it is also unlikely to be the case under Sixth Amendment standards. When the attorney who has had the primary responsibility for preparation of the case is disqualified close to trial, the close working relationship and dependence of Mr. Thoenig as the attorney who is now going to be the sole trial attorney is likely to be affected by his dependence on Ms. Pierson. Not only were Ms. Pierson's problems imputed to Mr. Thoenig, Mr. Thoenig's ability to take advantage of Ms. Pierson's work had been substantially compromised.

In addition, in a close knit office such as DAC on cases of such significance as the Shelby case, it is unlikely that a client who has had a falling out with one co-counsel will not also have irritated and/or compromised their relationship with the remaining co-counsel. The subsequent unusual performance of Mr. Thoenig described below, which

is atypical both for a lawyer of his caliber and him, strongly suggest that the Court's inquiry should have been much more complete and done in a manner designed to protect Mr. Shelby's work product confidences and secrets. By inviting the prosecution to participate in the debate as to whether or not Mr. Thoenig, despite his unexplained concerns about his continued representation as reflected in the record, the Court failed to properly question Mr. Thoenig. The Court should not have allowed the prosecution to participate in this process at all. The issue of whether or not Mr. Thoenig is an unconflicted and competent lawyer to represent Mr. Shelby inevitably would involve Mr. Thoenig having to reveal confidential and secret information, which the prosecution should not have been allowed to hear and their presence prevented necessary candor by Mr. Thoenig. This can only be accomplished by an *ex parte in camera* closed examination of the conflicts issues.

Mr. Thoenig's statement to the Court that Mr. Shelby had not asked him to withdraw as yet followed by the Court's inquiry to Mr. Shelby during which Mr. Shelby replied that he would not ask Thoenig to withdraw if Thoenig would represent him adequately demonstrates that neither the Court nor Mr. Thoenig addressed the conflicts of interest issues properly. Mr. Thoenig's minimum competency requirement was to advise Mr. Shelby about the conflicts of interest under which he was

operating and to inform Mr. Shelby of his obligation to withdraw because of these conflicts. If Mr. Thoenig believed that the conflicts were waivable, (in my opinion wrongly) then he had to seek waivers in writing. The Court and Mr. Thoenig cannot shift to Mr. Shelby, who never knew about these conflicts problems, Mr. Thoenig's obligations as set forth *supra*. The Court was on notice of conflicts problems and instead of making adequate inquiry, shifted the burden as did Mr. Thoenig to an uninformed Mr. Shelby. This breaches the Sixth Amendment standard for effective assistance of counsel by an un-conflicted and adequately prepared lawyer.

**Conclusion.**

Although these were non-waivable conflicts, assuming they could be waived, no waiver was properly sought or received. The minimum standard for minimum competent Washington criminal defense requires that a lawyer be unconflicted in representing a criminal defendant. Public Defenders have the same standard as private counsel. The conflict between cross-examining and/or placing at risk a current and/or former client in violation of either WRPC 1.7 or WRPC 1.9, where you must attack the credibility of a former or current client and/or place the current client at risk by calling them to the stand as a witness for the defense, is in my opinion non-waivable. Assuming, for the sake of argument, the

conflicts described *supra* were waivable, no waivers were sought nor were any given on the record I have reviewed. The trial court, although on notice of some of these conflicts, made inadequate inquiry and did not ascertain whether waiver had taken place. Apparently, the problems of expense and delay of providing independent and competent representation interfered with Mr. Thoenig and the Court's proper exploration of these issues and the reassignment of the case to non-DAC personnel who would have been able to properly make decisions about which witnesses to call and perform competent cross-examination.

**G. DAC failed to render effective assistance of counsel in pretrial and trial representation of Mr. Shelby.**

**1. Introduction.**

Mr. Thoenig is a competent lawyer with substantial experience in serious cases including homicides and death penalty cases. It is particularly hard to understand some of what I describe below in light of his experience and previously demonstrated abilities. While there are some lawyers who routinely do minimal representation and are not capable of adequately analyzing what is required, Mr. Thoenig is certainly not such an attorney.

**2. Deficiencies in pretrial representation.**

Mr. Thoenig failed to arrange for investigator interviews with the

large majority of the prosecution witnesses called by the State. Only three of the 19 witnesses who testified for the State were interviewed by a defense investigator from DAC, and, according to the materials I have reviewed, Mr. Thoenig interviewed none of them. The standard of care for minimally competent defense lawyers in Washington on a self-defense case in which there are divergent descriptions of the killing requires careful interview of each of the key witnesses called by the State as well as potential witnesses to be called by the defense.

Credibility in self-defense cases is always a critical, if not **the** critical choice for the trier of fact. A minimally competent Washington criminal defense lawyer cannot depend on an investigator's evaluation of the credibility of a key State witness. No investigator's judgment can completely substitute for the trial counsel who intends to present a self-defense theory to the jury since investigators are not trained advocates and cannot substitute for Sixth Amendment effective assistance of counsel. The failure to interview the large majority of State's witnesses and the failure to personally interview the key State's witnesses does not meet the standard of care. Although it may be a tactical decision not to question a witness or to limit the questioning of a hostile witness on cross-examination, that tactical decision cannot be made unless the lawyer has performed the pretrial interviews upon which it necessarily depends. In



my opinion, the apparent absence of any pretrial interviews by Mr. Thoenig fails to meet the Sixth Amendment standard of care for a Washington criminal defense lawyer in an aggravated murder case.

**3. Failure to obtain independent defense forensic evaluation.**

Apparently, DAC did not seek the appointment of or independent examination by a qualified forensic examiner in this case. In a self-defense case, forensic testimony may often be critical in either impeaching an eyewitness version or contradicting the defense claims of self-defense. At a minimum, the forensic testimony cannot be forensic testimony consistent primarily with the prosecution theory and inconsistent with the defense theory. Properly preparing Mr. Shelby's self-defense claim meant examining the forensic testimony, having it evaluated by a court-appointed defense expert under an appropriate protective order in the consulting pretrial phase, and offering such testimony, if helpful, at trial. The decision not to offer such testimony may be tactical, but it cannot be made in compliance with the Sixth Amendment if the defense simply does not acquire the information at all to evaluate. In my opinion, the failure to have the forensic evidence examined by court appointed experts under appropriate confidentiality restrictions as consulting experts breached the standard of care for a minimally competent lawyer in a self-defense aggravated murder case.

#### **4. Trial Presentation**

Given Mr. Thoenig's distraction by the Sap Kray case, his late assignment as the exclusive lawyer after Ms. Pierson withdrew, and absent any explanation from Mr. Thoenig given his prior practices as a criminal defense lawyer in serious cases; his actions in this case do not meet the standard of care for a minimally competent Washington criminal defense lawyer.

Mr. Thoenig failed to make any opening statement and waived it. He presented no defense witnesses and did not call the defendant as a witness. Most competent criminal defense lawyers in a self-defense case where there is an affirmative factual theory of defense might tactically debate the wisdom of an opening statement at the beginning of trial, immediately following the prosecution's opening, or reserving it until the presentation of the defense case. Particularly in a self-defense case, not doing an opening statement and presenting no affirmative defense testimony at all does not meet the minimal standard of competent representation for a criminal defense lawyer in an aggravated murder case in Washington. Whatever the problems Mr. Shelby's prior convictions might have presented had Mr. Shelby taken the stand, attempting to prove or raise a reasonable doubt about a self-defense shooting in the face of no opening statement, no defense testimony, not fully developing defense

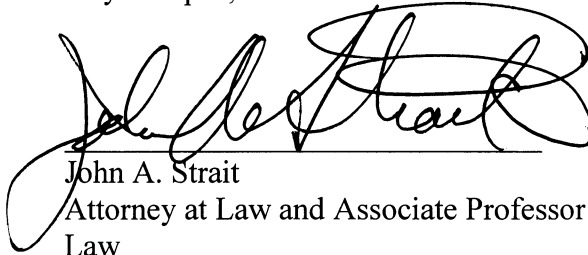
testimony available because of DAC's conflicted representation of witnesses, and failure to cross-examine the non conflicted witnesses to produce favorable testimony (see witness Cubean, Bradley and Griffith); appears to violate the standard of care for a minimally competent criminal defense lawyer in Washington.

## **VII. CONCLUSION**

Based upon the analysis I have made of the trial transcript and records, DAC did not render effective assistance of counsel cumulatively in Mr. Shelby's self-defense aggravated murder case. The failure to properly withdraw because of the conflicts of interest with necessary witnesses for the defense and conflicts of interest with key state witnesses materially limited counsel as demonstrated by the trial performance of DAC's challenge to the State's case. The failure to properly examine the forensic testimony and therefore the inability to adequately cross examine or present an alternative view of the forensic evidence also violates the standard of care. The failure to present an affirmative defense case with or without Mr. Shelby's testimony, through the testimony of Singleton, Howard, Bradley and Griffith where the trial counsel did not interview or evaluate any of these witnesses (except through an investigator for some but not all witnesses) does not meet the standard of care for a minimally

competent criminal defense lawyer in an aggravated murder case in  
Washington.

Dated this 21st day of April, 2003.

A handwritten signature in black ink, appearing to read "John A. Strait", written over a horizontal line.

John A. Strait  
Attorney at Law and Associate Professor of  
Law

## **RESUME**

### **JOHN AVROM STRAIT**

#### **Personal:**

Mailing Address: 1154 - 15th Avenue East  
Seattle, Washington 98112

Phone: Home: (206) 323-0273  
Seattle University: (206) 591-2250

Marital Status: Married to Barbara A. Isenhour  
3 sons: Sascha (5/31/81),  
Noah and Andrew (10/14/87)

Birthdate: June 19, 1943

Presently: Associate Professor of Law - Seattle U. School of Law  
Areas of Specialization:  
Professional Responsibility  
Criminal Law  
Trial and Appellate Advocacy  
Evidence  
Educational History:

#### **Primary and Secondary**

**Education:** San Francisco, California

College: University of California, Davis, B.A. (History), 1966  
Departmental Honors;  
Honors in Political Science;  
University Service Award;  
Officer in student and university government;  
four-year letterman

Law School: Yale Law School, L.L.B. (J.D.) 1969  
Research Assistant to J.W. Moore  
(Moore's Federal Practice)

## **John Avrom Strait**

**Employment History:** Garry, Dreyfus, McTernan & Brotsky  
San Francisco, California 1969-1970

Reginald Heber Smith Fellow  
Multnomah County Legal Services  
Portland, Oregon 1970-1971

Public Defender Association  
Seattle, Washington 1971-1974

Seattle University (University of Puget Sound)  
School of Law 1974 to present

Private Practice 1974 to present

Special Deputy District Attorney  
Alameda County District Attorney's Office  
Oakland, California  
Fall 1980 - Spring 1981  
(white collar crimes; serial rape cases)  
Assistant Supervisor of Felonies  
Public Defender Association  
Seattle, Washington  
Fall 1989 - Fall 1990

**Admission to Bar:** California State Bar 1970  
Oregon State Bar 1970  
Washington State Bar 1972  
Federal District Courts:  
Northern California; Oregon; Washington, D.C.;  
Wyoming;  
Western District of Washington;  
Eastern District of Washington  
Ninth Circuit, D.C. Circuit  
United States Supreme Court

**PARTIAL RESUME OF EXPERIENCE IN  
LEGAL MALPRACTICE, LEGAL DISCIPLINE AND LEGAL ETHICS**

**JOHN AVROM STRAIT  
Attorney at Law  
1154 - 15th Avenue East  
Seattle, Washington 98112**

**Admitted to Practice:**

California (1970), Oregon (1970), Washington (1972)

**Currently:**

Private practice/consultant and Seattle University School of Law

**Law School Teaching and Research:**

Professional Responsibility (including legal ethics, judicial ethics and legal malpractice) 1976 to present

**Selected Publications in Field of Professional Responsibility:**

1. Scenarios and problems as a method for teaching problems in professional responsibility, University of Detroit School of Law, 1977
2. Materials on ethics for Legal Services lawyers. The Legal Services Corporation 1976, 1977, 1978 and 1980 (these materials are used in the initial lawyer training for newly hired legal services attorneys).
3. Materials on ethics for professional responsibility for the State Bar Associations of Alaska, Washington, Hawaii, New Mexico and California. These materials were developed for presentations on various aspects of Professional Responsibility for CLE programs and State Bar speaker programs for attorneys in each jurisdiction.
4. "Too Much Law," an unpublished set of materials for my Professional Responsibility course at the University of Puget Sound School of Law consisting of 700 pages of excerpts of cases, readings and problems in Professional Responsibility.
5. Problems in Judicial Ethics 1981, 1982, 1983 and 1984. These are materials which were prepared for presentation to the judicial conferences of Alaska and Washington dealing with the Judicial Code of Conduct.
6. A set of video tape scenarios raising problems in conflict of interest, duty to avoid misrepresentation, and competence generally for use in law

schools and for bar associations in training lawyers in legal ethical responsibility. The current inventory is 13 separate scenarios ranging from 5 to 15 minutes in length which have been presented to the Bar Association of Alaska, in CLE programs in Washington and in California.

7. Lawyers Liability Review: "Written Fee Agreements," January 1987.
8. Lawyers Liability Review: "Avoiding Conflict of Interest--Repairing It Once Recognized," May 1986.
9. "So Your Client Wants to Lie," Washington State Bar News, Volume 41, No. 4, April 1987.
10. The Ethical Limits of Advertising and Solicitation, 1988, CLE materials.
11. "The Trial of Clarence Darrow: Ethics Then and Now." Article for the Washington State Bar Association annual convention for 1991 as part of a presentation and dramatization of Clarence Darrow's trial for perjury arising from the bombing of the *Los Angeles Times*.
12. "Voir Dire in Washington: The Constitution, Statutes and Cases." Prepared for the Washington State Trial Lawyers Association and for the Washington State Bar Association in 1991 and 1992.
13. "Review of Evidence Case Law" for the year of 1991, repeated in 1992 and in 1993 for the Washington Association of Criminal Defense Lawyers and for the Litigation Section of the Washington State Bar Association.
14. "Deposition Practice in Alaska." Materials including a case file, witness statements, a review of Alaska law and deposition practice for use in a two-day training program in deposition practice including ethical behavior in deposition practice in which I was the program director and leader of 14 faculty (1992).
15. "Ethics for Legal Assistants." An article written for the Washington State Trial Lawyers Association and for the Washington State Bar Association (1992).
16. "Ethics for CPAs." Materials written for the Tacoma Community College's continuing CPA program (1992).
17. "Scenarios in Ethics and Professionalism." Written for the Washington State Bar Association annual convention in September 1992.
18. "Ethics for Alaska Attorneys." A set of materials written for the Alaska State Bar Association, including an annotation of Alaska cases from territorial days to the present, covering concepts of professional responsibility and legal malpractice.



## **John Avrom Strait**

19. The Seattle Port Authority. Appointed to an ethics advisory committee for which I wrote a definition of ethics and a procedural manual to address ethics complaints involving commissioners and employees of the commission.
20. "The Ethics of Marketing, Advertising and Solicitation in Washington." For the Washington State Bar Association (1993).
21. "Ethics for Legal Assistants." For use in training advocates for mentally disabled or other institutionalized individuals for the federally funded Protective Advocacy System (1991).
22. "Ethics for the Sole Practitioner." For the first annual convention of the ABA's General Practice section.
23. "Ethical Close Calls and the New Rules of Professional Conduct." A set of materials for the Alaska State Bar Association covering its 1993 adoption of the Rules of Professional Conduct with Alaska variants and a digest of all relevant Alaska case law.
24. "Professionalism and Ethics in Sentencing." For the 1993 Washington State Bar Association Bar Convention.

### **Bar Association Activities Relevant to Professional Responsibility:**

1. Washington State Bar Association lawyer representative to the Judicial Ethics Advisory Committee as appointed by the Washington State Bar Governors and the Washington State Supreme Court.
2. Funded member, Rules on Professional Conduct Committee, Washington State Bar Association.
3. Frequent speaker on Lawyer and Judicial Ethics for the Washington State Bar Association and 10 other states.
4. Member King County Bar Association Campaign Ethics Committee.
5. Member Seattle-King County Bar Association Committee on Advertising.
6. Chair Seattle-King County Bar Association Selection Committee II, 1992-93.

### **Other Professional Associations Regarding Responsibility:**

1. The American Association of Law Schools Professional Responsibility section; speaker and organizer for presentations on how to teach professional responsibility and problems in professional responsibility for lawyers.
2. Ex-Board member Puget Sound Legal Assistance Foundation; professional responsibility subcommittee of the board; duties include

## **Exhibit A**

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## **John Avrom Strait**

reviewing problems of professional responsibility which arise from National Legal Services Corporation; Regulations and Rules applicable to legal services attorneys and reviewing cases that arise within the Puget Sound Legal Assistance Foundation for ethical problems and solutions.

3. Society for American Law Teachers subcommittee on professional responsibility.
4. Currently Board Chair Washington Appellate Defenders Association with responsibility for ethical problems at W.A.D.A.
5. Board member, Washington Chapter American Judicature Society;
6. Co-chair, Seattle King County Bar Association Judicial Screening Panels;
7. Co-chair, Seattle King County Bar Association Campaign Fair Practices Committee;
8. Member, Steering Committee, Seattle King County Bar Association Martin Luther King Commemorative Event;
9. Executive Committee Member, Washington State Bar Association Criminal Law Section;
10. Special District Counsel, appointed by the Board of Governors of the Washington State Bar Association to investigate disciplinary complaints;
11. Washington State Bar Association Board of Governor's appointee to the Statute Law Commission supervising the code revisor's office publishing cases statutes and administrative regulations for the State of Washington.
12. Member, Seattle Port Authority, Ethics Advisory Committee.

### **Others Activities Since January 1999:**

1. Member, Innocence Project working on The Wenatchee Child Sexual Abuse Cases.
2. The Washington State Bar Association InterProfessionalism Committee coordinating professional relationships with medical and other forensic professional organizations.
3. The Washington State Bar Association Professionalism Committee trying to upgrade the professionalism of lawyers in Washington.

## **John Avrom Strait**

4. The Rules of Professional Conduct Committee (member for the last 10 years) issuing advisory opinions on the Washington Rules of Professional Conduct.

### **Lecturer and Consultant:**

1. National Institute for Trial Advocacy; 1974 to present.
2. Hastings College of Trial Advocacy; 1977 to 1991.
3. Hastings College of Civil Advocacy, personal injury programs 1985, 1987, 1988, 1990.
4. Washington State Bar Association Bar convention speaker, 1980, 1982, 1983, and 1987-92.
5. American Judicature Society and National Appellate conference speaker.
6. King County Bar Association speaker in numerous CLE programs on ethics.
7. The National Association of Criminal Defense Lawyers, speaker, 1979-81, 1987, 1989 and 1992.
8. National Legal Aid and Defender Association speaker and panel coordinator on legal ethics, 1980 convention.
9. Alaska Bar Association speaker for CLE programs on legal ethics, 1983-85, and 1988-93.
10. Alaska Attorney General's Office and District Attorneys Association speaker on legal ethics, 1982, 1983 and 1986.
11. Hawaii Public Defender Association speaker on legal ethics 1975, 1988 and 1990.
12. New Mexico District Attorney Association speaker 1978 and 1979.
13. National Legal Services Corporation speaker, 1977-84, 1987, 1989, 1991 and 1993.
14. Washington State Judicial Conference, 1983 and 1984.
15. Washington State District Court Judges Association speaker 1978, 1984 and 1988.
16. Alameda County District attorneys office speaker on legal ethics, 1980-81.

## **John Avrom Strait**

17. Traveler's Assurance Company house counsel training program 1981-86 (this includes specific training on the trial of legal malpractice cases and legal ethics for insurance defense counsel).
18. The National Endowment for the Humanities, 1979.
19. World Affairs Conference, Boulder, Colorado, 1979 and 1980.
20. House counsel training program for the law firm of Baker and Botts in Houston , Texas, 1985, 1986, 1988, 1990-93.
21. Washington Association of Criminal Defense Lawyers, 1986 to present.

### **Litigation:**

Since 1978, I have represented an average of three cases per year before the Washington State Bar on attorney discipline; and am retained as an expert witness an average of two to three times a month on professional responsibility issues with practitioners in the states of Alaska, Washington and California. I have represented an average of ten cases per year as an attorney on legal malpractice and professional responsibility issues.

### **Expert Witness Qualified in the Field of Professional Responsibility:**

Since 1980, I have testified in an average of three cases per year as an expert witness for either plaintiff or defendant in legal malpractice cases. I have been qualified as an expert witness in the Superior Courts for Skagit County, King County, Kitsap County, Whatcom, Clark, Spokane, Walla Walla, Snohomish, Mason, Thurston, and Kittitas Counties and in the Federal District Court for the Western District of Washington. I have testified in the states of Alaska, Hawaii, California and Wyoming. Among other cases of note in which I have been either an expert witness or involved as a consultant are Ross v. Seannell, 97 Wn.2d 598 (1992) and Demopolis v. Short and Cressman, 103 Wn.2d 52 (1985).

### **Arbitration:**

I have testified as an expert witness in arbitrations in King and Pierce County and have sat as an arbitrator in legal malpractice or professional ethics related claims in Pierce County in approximately ten cases.

### **Consultant:**

Since 1978 I have consulted regularly with attorneys on legal ethics and legal malpractice related matters. I receive an average of one to two such calls daily at the current time.

**PUBLICATIONS & CLEs OF JOHN A. STRAIT**  
**Exhibit B**

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
2002 Northwest Deposition Program	National Institute for Trial Advocacy	2002
2002 Real Property, Probate and Trust Section Midyear Seminar and Meeting	WSBA	2002
A Civil Action: Civility and The Duty of Representation	Seattle University School of Law	2002
Advertising and Solicitation and the Constitution and Ethics Codes	WA State Bar Association	1988
Advocacy and Ethics	HI Public Defenders Office	1986
Alaska Rules of Ethics	AK Bar Association	1991
Alaska Rules of Professional Conduct and New Ethical Issues in Fees, Billing, and Malpractice	AK Bar Association	1995
Annual Ethics Advisory	University of Washington	2000
Annual Ethics Advisory: A Review of all Washington Cases and Opinions on Ethics	Washington Law Institute	2000
Annual Ethics Round Up Review	Washington Legal Education Institute	1999
Annual Ethics Teleconference	WSTLA	2001
Annual Review of Criminal Law Cases For The State of Washington	The Year 2000 Criminal Justice Institute	2000
Appellate Ethics	WA State Trial Lawyers Association	2000
Avoiding Malpractice: What Every Lawyer Needs To Know	King County Bar Association Continuing Legal Education	2001
Child Abuse and Disclosure Requirements and the Ethics of Attorneys	WA State Bar Association Criminal Law & Family Law Joint Sections	1985 1986
Civil Division Ethics Program on RPC 4.2	King County Prosecutor's Office	2002
Civil Litigation Institute	WA State Bar Association Litigation Section	2000
Conflicts for Defense Counsel	WA Defense Lawyers' Association	2000
Conflicts of Interest in Insurance and Coverage	Annual Washington State Bar Insurance Law Section CLE	1999

Conflicts of Interests in Employment Cases: Minimize Your Risk When Representing Multiple Parties	WSTLA Teleconference	2002
Conflicts With Other Professionals	WSBA	2000
Criminal Justice & Psychiatric Testimony	Western State Hospital Graduate Fellow Program	1998, 1999, 2000
Criminal Justice Institute Ethics Program	WA State Bar Association	1997, 1998, 2000
Criminal Law – Ethics in Sentencing	WA State Bar Association	1999
Criminal Law: The Year in Review	WA Association of Criminal Defense Lawyers	1990
Dances with Wolves and Other Predators: Ethics of Advocacy	WA State Bar Association	1991
Deposition of Experts	AK Bar Association	1994
Deposition Practice in Alaska	AK Bar Association	1994
Disciplinary Training Special District Counsel	WA State Bar Association	1999
Discovery: A Tool, Not a Club: The Ethics of Discovery Practice	WA State Bar Association Business Law Section	1996
Disqualification Motions and Ethics	University of Washington	1989
Eastside Criminal Practitioners Ethical issues; Co Chair and Presenter	Washington State Bar Association Criminal Law Section	1999
Effective Assistance of Counsel and Post Conviction Relief	Innocence Project Northwest Training Program for Lawyers Assisting in the Project	1999
Ethical Issues in Transfers of Property by the Elderly	King County Bar Association Planning for the Elderly: A Seminar for General Practitioner	2000
Essentials of Evidence: Ethical Obligations in Discovery	WA State Bar Association	1994
Ethical and Professional Responsibility Issues in Representing Property Owners and Property Managers	WA State Bar Association	1996
Ethical Close Calls and the New Alaska Rules of Professional Conduct	AK Bar Association	1993
<i>Ethical Considerations – Multi-Profession Discussion of Ethical Issues Regarding</i>	WSBA	2002
<ul style="list-style-type: none"> <li>• Ethics in Domestic Violence Cases, and</li> <li>• Ethics in Sexual Abuse Cases</li> </ul>		

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Ethical Dilemmas for the Practicing Lawyer	WA State Bar Association	1996, 1999
Ethical Dilemmas in Civil Practice	WA State Bar Association	1999
Ethical Dilemmas in Handling Civil Litigation	Washington State Bar Association And The Federal Bar Association Of The Western District Of Washington Fifth Annual Civil Litigation Institute: Your Guide For A Successful Trial Practice	1999
The Ethical Implications Of Taking An Equity Interest In Your Client	Intellectual Property Law Society and the ABA Law Student Division	2001
Ethical Issues for Supervision of Paralegals	WA State Trial Lawyers Association	1989
Ethical Issues In A Real Estate Practice	Seattle King County Bar Association Real Property Section	2001
Ethical Issues and Civil Litigation, Co-chair and Presenter	Annual Civil Law Litigation Section of the State Bar Association	1999
Ethical Limits on the Use of Non-lawyer Staff	WA State Trial Lawyers Association	1986
Ethical Pitfalls: Strategies to Avoid the Problems Attorneys Face in Day-to- Day Practice	WSBA	2003
Ethical Program	WA State Bar Association Convention	2000
Ethical Responsibilities of Judges to Disqualify	10th Annual Conference for Judicial Conduct Organizations, American Judicature Society, Chicago, IL	1986
Ethics	The Year 2000 Millennium Convention for the State Bar Association	2000
Ethics	The Access to Justice Foundation	2000
Ethics	Washington State Bar Association in Spokane	2000
Ethics	Loren Miller Bar Association	2002
Ethics Advisory 2001	Washington Law Institute	2001, 2002
Ethics and Landlord Tenant Practice	WSBA Residential Landlord -Tenant Law	2002
Ethics and Landlord Tenant Practice	WSBA Residential Landlord -Tenant Law	2002

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Ethics and Professionalism -- Revisiting the Basics	Professionalism Committee of the King County Bar Association	2002
Ethics for Accountants	Tacoma Community College	1989
Ethics for Advocates	National Institute for Trial Advocacy Regional program sponsored by Seattle University and the National Institute Trial Advocacy	2001
Ethics for an Adversary System	American Bar Association	2000
Ethics for Appellate Practice	Washington Supreme Court	1999
Ethics For Appellate Practitioners	Washington State Trial Lawyers Association Appellate Practice CLE	2000
Ethics for Attorney Generals	Government Lawyers Bar Association	1999
Ethics for Business Practitioners	WA State Bar Association Business Law Section	1999
Ethics for Civil Litigators	WSBA Civil Litigation Annual Institute	2000
Ethics For Civil Practitioners	Seattle King County Bar Association Professionalism Committee	2000
Ethics for CPAs	WA Association of CPAs	1987
Ethics for Criminal Defense and Prosecuting Attorneys Handling Driving while Under the Influence And Related Criminal Cases	Lorman Foundation.	2001
Ethics For Criminal Law Practitioners, Co-chair and presenter	Washington State Bar Association Criminal Law Section Program	1999, 2000
Ethics for Defense and Prosecutors	WA State Bar Association Criminal Law Section	2000
Ethics for Elder Law	WSBA Elder Law Section	2000
Ethics for Federal Attorneys After McDade	U.S. Attorney Western District	1999
Ethics for Federal Practitioners	Federal Bar Association	2000
Ethics for Government Attorneys in Alaska	The Alaska Department of Law	1995
Ethics for Insurance Practitioners	Washington Defense Lawyers Association	2000
Ethics For Investigators	Washington State Police Training Program	1999, 2002



<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Ethics for Landlord Tenant Practice	Washington Law Institute	1999
Ethics for Legal Assistants	WA State Trial Lawyers Association; WA Ass'n of Paralegals	1986, 1987, 1989
Ethics for Legal Services Practitioners Working With Child Clients	Columbia Legal Services	2000
Ethics For Legal Services And Clinical Programs Supervisors	Annual Clinical Education Conference at Sleeping Lady Resort, Washington	1999
Ethics for Litigators	WSBA Section on Litigation	2000
Ethics For Litigators	National Institute for Trial Advocacy Northwest Regional Conference	1999
Ethics For Multiple Client Representation	Washington Legal Education Institute CLE for Landlord/Tenant/Commercial Landlords	1999
Ethics for Non-lawyers	WA Stat Trial Lawyers Association	1987
Ethics for Paralegals	Catholic Community Services	1989
Ethics For Police, Probation Officers, Prosecutors and Defense Counsel	2001 Criminal Justice Institute	2001
Ethics For Post Conviction Representations	Innocence Project Northwest CLE	2000
Ethics for Prosecutors	Washington Criminal Justice Center	1999
Ethics for Prosecutors	Washington Association Of Prosecuting Attorneys, Spring Training Program	2000
Ethics for Prosecutors and Defense Counsel	The Washington State Bar Association Criminal Law Section	2001
Ethics for the Sole Practitioner	American Bar Association Section on General Practice	1991
Ethics for Practitioners	SKBA Real Property, Probate And Trusts Section	2001
Ethics For Wills And Trust Practitioners	Seattle King County Bar Association Wills and Trust Section	2000
Ethics In Appellate Advocacy	Washington State Supreme Court Washington Historical Society	1999
Ethics in Bankruptcy Practice	Annual NW Bankruptcy Conference	1994, 1995, 1996, 1998
Ethics In Business Law And Tax Practice	Washington State Bar Association Business Law/Tax Sections CLE	1999

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Ethics In Criminal Representation, Co-chair and Presenter	Washington State Bar Association Criminal Law Section	1999
Ethics in Deposition Practice	NITA	2000
Ethics in Discovery	WA State Bar Association	1986
Ethics In Federal Practice After McDade	The Federal Bar Association for the Western District of Washington	2000
Ethics in Health Law	Health Lawyers' Association	2000
Ethics in Legal Malpractice	WA State Bar Association	1986
Ethics in Review	University of Washington	1997, 1998, 1999
Ethics In Representing The Elderly	The Elder Law Section of the WSBA	2000
Ethics In Sentencing Proceedings For Practitioners, Co chair and Presenter	Washington State Bar Association Criminal Law Section sentencing CLE	1999
Ethics of Advertising	University of Puget Sound School of Law	1990
Ethics of Advocacy	Master Advocates Program, University of California, Boalt Law School, Berkeley, CA	1991
Ethics of Advocacy	Baker & Botts, Houston, TX	1987, 1988, 1991, 1993
Ethics of Business and Insurance Defense Representation	In-house Training Program for Gordon Thomas Honeywell in Tacoma, Washington	2001
Ethics of Civil Litigation	University of Washington	1986
Ethics of Federal Litigation	Federal Bar Association	1999
Ethics of Gray Areas in the Intersection of Professions	Washington State Bar Association Inter-Professionalism Committee	2000
Ethics of Insurance Representation	Insurance Law Institute	2000
Ethical Issues and Civil Litigation	The Annual Civil Law Litigation Section of the State Bar Association	1999
Ethics Issues in International Practice	King County Bar Association International Law Section Meeting	2002
Ethics of Lawyers in Employment Cases	Third Annual Employment Law Institute -- Washington State Bar Association	1996
Ethics of Legislative Staff Counsel	Senior Legislating Drafting Conference, Seattle University School of Law	1993

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Ethics of Marketing, Advertising, and Solicitation	WA State Bar Association	1986, 1988, 1989, 1990, 1992, 1994
Ethics of Public Defenders and Prosecutors	WA State Bar Association Criminal Justice Institute	1994
Ethics of Supervising Attorneys	WA State Trial Lawyers Association	1989
Ethics of Trial Advocacy	University of Washington	1986
Ethics of Tribal Entity Representation	Nineteenth Annual Federal Bar Association Indian Law Conference	1994
Ethics Program	Washington Defense Association	2001
Ethics Roundup	Washington Law Institute	1997, 1998, 1999
Ethics: The Hard Questions #1	AK Bar Association	1991
Ethics: The Hard Questions #2	AK Bar Association	1994
Evidence: Obtaining, Preserving, Presenting	Washington State Trial Lawyers Association	2002
Expert Witnesses in the Courtroom	WA State Bar Association Criminal Law Section	1987
Federalism Implications of Recent US Supreme Court Decisions And The Role of the Government Lawyer	Washington State Government Lawyers Bar Association	1999
Fifth Annual Civil Litigation Institute: Your Guide For A Successful Trial Practice	Washington State Bar Association And The Federal Bar Association Of The Western District Of Washington	1999
Fifth Annual Labor & Employment Law Conference	WSBA Labor Law Section	2002
Hospital & Health Law Seminar	Washington State Society of Healthcare Attorneys	2000
In-House Ethics Program	Halverson Applegate, P.S.	2001
Insurance Defense Ethics	WA State Bar Association	1999
Judicial Ethics	WA State Judicial Conference	1986
Judicial Ethics and the Judicial Conduct Commission	Annual Joint Education Session for judges and court administrators sponsored by the Office of Administrator of the Courts for the State of Washington	2001
Law of Search & Seizure in WA, Justice Robert Utter (edited)	University of Puget Sound Law Review	1988

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Legal Ethics and Litigation	Battelle Institute, Seattle, WA	1986
Legally Bound: Supervised Visitation And Domestic Violence Protection Orders In Family Law Case	King County Bar Association	2001
Legal Malpractice in Washington	University of Washington	1987
Making and Meeting Objections: Ethics of Trial Practice	University of Washington	1993
Marketing and Ethics	WA State Bar Association	1990
Marketing for Lawyers	WA State Bar Association	1989
McDade Amendments	U.S. Attorney's Office for the Western District of Washington	1999
Methods of Teaching Ethics	Association of American Law Schools Western Meeting	1986
Minimizing Conflicts of Interest in Multi- Party Representation	The American Bar Association Section of Labor and Employment Law and the ABA Center for Continuing Legal Education Present a Live 90-minute TeleConference and Live Audio Webcast	2002
Misuse of Motions to Disqualify in Litigation	University of Washington	1987
Multidisciplinary Practice and Representing Clients in a Limited Capacity: How Will the Practice of Law Change?	Seattle University School of Law Fall 2002 CLE PROGRAM	2002
Navigating The Maze – A Checklist Approach To Land Use And Environmental Law, #03741	WSBA Environment & Land Use Law Section	2000
NW Regional Ethics For Litigations	NITA	1999
Plenary Session On Ethics: Giving Legal Advice In The Shadow Of <i>Enron</i>	<i>Washington State Bar Association</i> <i>Continuing Legal Education 10<sup>th</sup></i> Annual Employment Law Institute	2003
Proposed Rules of Professional Conduct for Alaska	AK Bar Association	1990
Prosecuting, Defending, and Avoiding Malpractice Claims	University of Washington	1987
Recent Rule Changes In Ethics Nationally and Locally	University of Washington Annual Ethics Review Program	2000
Review of Criminal Law and Evidence	Second Annual Criminal Justice Institute	1995

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
Review of Developments of the Law of Ethics in Hawaii	HI Prosecuting Attorneys Annual Training	1988
Role of the Attorney as Moral Counselor: Right, Wrong, Legal and Illegal. Where's the line, what should you advise, and what's the difference?	Seattle University School of Law ABA Law Student Division	2003
Role of Expert Witnesses in Psychology and Psychiatry in Civil and Criminal Litigation in Washington	University of Washington/Western State Hospital Institute for Psychology and Psychiatry	1999
Role of Forensic Evidence in Criminal Law	WSBA	2001
Rule Changes and the work of The RPC Committee	University Of Washington Annual Ethics Continuing Legal Education Program Year-End Review	1999
Rules of Professional Conduct Committee	University of Washington Annual Ethics Review Program	2000
Self Defense For Lawyers	Irwin H. Schwartz	2001
Selected Ethical Problems in Business	Washington State Bar Association 1999 Purchase And Sale Of A Smaller Business From Asset Valuation To Zero Hour Closing	1999
Selected Ethic Problems For Civil Defense Lawyers	Washington Defense Lawyers Annual Eastside Convention	2000
Selected Washington/Oregon Ethics Issues	Oregon Reciprocity Seminar	2002
Seventh Annual Ethical Dilemmas for Washington Practitioner; Co Chair and Presenter	WSBA	2000
Seventh Annual Tort Law Update	WA State Trial Lawyers Associations	2000
Seventh Annual Washington Criminal Justice Institute	WSBA	2000
Sixth Annual Litigation	In-House Ethics Program For Halverson Applegate, P.S.	2000
Special District Counsel Investigation of Disciplinary Cases Training Session for Attorneys Desiring to be SDC	WA State Supreme Court and WA State Bar Association Joint project on Disciplinary Training	1999
Taking Equity Interest in Your Client's Business	Seattle King County Bar Association	2000

<b>TITLE</b>	<b>SPONSORING ORGANIZATION</b>	<b>DATE</b>
The Trial of Clarence Darrow: Ethics Then and Now	WA State Bar Association and WA Association of Criminal Defense Lawyers	
Three ethics presentations in various forms with materials	Washington State Bar Association's Annual Convention	1999
Thirteenth Annual Insurance Law Seminar	Washington Defense Trial Lawyers Defense Lawyers Fighting For Justice In Courts	2000
Trial Advocacy and Ethics	AK District Attorneys Association	1989
Use of Judicial Evaluation Programs and On Access to Justice for Indigents	The Access to Justice Subcommittees Education and Jurisprudence	Since 1999
Voire Dire in Washington	WA State Bar Association	1988, 1992
Washington Criminal Justice System and the Role of Psychiatrist and Psychologist	University of Washington/Western State Institute for Forensic Psychology and Psychiatry	2000

**DEPOSITION & TRIAL TESTIMONY**  
**Exhibit C**

<b>CASE NAME</b>	<b>JURISDICTION</b>	<b>CAUSE NO.</b>	
Andreas Meyn v. Christopher Fletcher	Superior Court Whatcom County	002-00820-8	Deposition
Bernard v. Hernandez	Judicial Arbitration and Mediation Services, Seattle		Testimony
Boyd H. Graves, et al. v. John A. McGary, et al.	Superior Court, King County, WA	94-2-26227-1	Trial testimony
Chenega Corp., et al. V. Fortier and Mikko	AK Superior Court 3 <sup>rd</sup> Judicial District	3AN985599	Deposition
DeLiew, et al. v. Dodge et al.	AK Superior Court 3rd Judicial District	3AN-96-8492 CIVIL	Deposition
Dell D. Jackson v. Cynthia Coulter, et al.	Superior Court, Third Jud. District, AK	3-AN-90-6535 CIV	Deposition
Diane Rommel v. Walthew Warner,	King County Superior Court	98-2-19908-3SEA	Deposition
Douglas A. Young v. Chase Riveland, et al.	U.S. District Court, Western Dist., WA	C 91-1-1267R	Testimony & deposition
Frank Shiers, et al. v. W. Ronald Groshong, et al.	Superior Court, King County, WA	92-2-29576-6	Deposition
Hansen v. Bart Anderson	Arbitrator's Division Superior Court, King County	Testimony	
Harry Schafer, et al. v. David Utevsky, et al.		94-2-11435-2	Deposition & Trial testimony
Hensey v. Farmer's Insurance Co.	Superior Court of King County, WA	97-2-28353-1SEA	Deposition
In re Brett	Clark County Superior Court	98-1-01038-3	Deposition and Testimony
In Re Colby	Supreme Court of Washington Judicial Conduct Proceeding		Deposition
In re Consolidated Seattle Slew litigation cases	Superior Court, Yakima County, WA	92-2-01880-1	Deposition

<b>CASE NAME</b>	<b>JURISDICTION</b>	<b>CAUSE NO.</b>	
In re Douglas Schafer	Bar Disciplinary Hearing		Testimony
In re Hammermaster	WA Judicial Conduct Commission	139WA2d211	Testimony
In Re Hammermaster	Supreme Court of Washington Judicial Conduct Proceeding		Testimony
In re Smith Home Furnishings	U.S. Bankruptcy Court District-Oregon		Testimony
Inslee Best, et al. v. Dennis Kenneley, et al.	Superior Court, King County, WA	94-2-29357-5	Deposition
Ito Int'l Corp., et al. v. Prescott, Inc., et al.	Superior Court, King County, WA	94-206070-8	Deposition
Jack Stein v. Tana Wood	U.S. District Court, Western Dist., WA	CR 91-5523B	Deposition & Trial testimony
Jerry Omer v. City of Bellevue	U.S. District Court Western Division	C-98-0529L	Deposition
JIJ Inc. V. Oles, Morrison, Rinker, & Baker	Superior Court King County	99-2-0807-USEA	Deposition
John Hayden, et al v. Kirk Veis, et al.	Superior Court Thurston County	99-2-02065-8	Deposition
John William Taylor, et al. v. Pauline Yuri Shigaki, et al.	Superior Court, King County, WA	93-2-04997-9	Trial Testimony
Joseph Clerget, et al. v. Donald Lyderson, et al.	Superior Court, Pierce County, WA	90-2-07035-8	Deposition
Kake Tribal Corp. v. Selaska Corp., et al.	Superior Court, First Jud. District, AK	1-JU-91-1026 CIV	Deposition
Leonard Kerr, et al. v. Michael Caryl, et al.	Superior Court, King County, WA	89-2-08553-4	Deposition
Liisa Wickersham v. Lowell K. Halverson	Superior Court, King County, WA	94-2-07362-1	Deposition
Lowell Halvorson v. Romelle Lowry	Superior Court King County	98-2-05130-2SEA	Testimony
Meyn vs. Fletcher;;	Whatcom County	00-2-00820-8	



<b>CASE NAME</b>	<b>JURISDICTION</b>	<b>CAUSE NO.</b>	
Shael O'Rourke v. Robert Sennett, et al.	Superior Court, King County, WA	91-2-20581-7	Deposition
Moe v. Wise	Superior Court, Grays Harbor County, WA	91-2-00056-1	Deposition
Ok Sik U v. Kenneth Burrows	Superior Court, King County, WA	88-2-05509-2	Deposition & Trial testimony
Omer v. City of Bellevue, et al			Deposition
Paradise Orchards v. Fearing, et al.		01-2-01030-9	Deposition
Patricia Absher v. Ronald A. Offret, et al.	Alaska Fee Arbitration	1993 F 062	Testimony
Paul Hayes, et al. v. Laurel Tiller, et al.	Superior Court, Lewis County, WA	91-2-00776-2	Deposition
Sandra Johnson v. Timothy McGarry	Superior Court King County	00-213786-9SEA	Deposition
Sansome v. Garvey Shubert	Multnomah Circuit Court	981007633	Testimony
Schumacher v. Douglas Wilson, et al.	Superior Court, King County, WA	93-2-02049-6	Deposition
Sea Lion Corp. v. Ronald E. Cummings, et al.	Superior Court, Third Judicial District, Ak	3-AN-90-8961	Deposition & Trial testimony
William Dussault v. Mid- Century Inc., et al.	Superior Court, King County, WA	91-2-00847-7	Deposition
Willis v. Holm	King County Superior Court		Deposition